

# **ERIE COUNTY CHARTER**

Being Erie County Local Law No. 1-1959  
together with all amendments  
to August 31, 1994 inclusive,  
incorporated therein.

## ERIE COUNTY CHARTER

Article I	Erie County and its Government.....	1
Article II	Legislative Branch.....	12
Article III	Executive Branch.....	15
Article IV	Department of Finance .....	18
Article V	Department of Health .....	19
Article VI	Department of Law.....	20
Article VII	Department of Parks and Recreation.....	20
Article VIII	Department of Personnel.....	21
Article IX	Department of Environment and Planning .....	21
Article X	Department of Public Works.....	22
Article XI	Department of Social Welfare.....	23
Article XI-A	Department of Public Safety.....	23
Article XI-B	Department of Mental Health.....	23
Article XI-C	Department of Emergency Services .....	24
Article XI-D	Department of Central Police Services.....	25
Article XI-E	Department of Senior Services.....	25
Article XI-F*	Department of Youth Services .....	26
Article XI-F*	Office for the Disabled .....	27
Article XII	Comptroller .....	27
Article XIII	County Clerk .....	29
Article XIV	District Attorney .....	29
Article XV	Sheriff.....	29
Article XVI	Other County Boards, Officers, Institutions and Functions .....	31
Article XVI-A	Erie County Environmental Management Council .....	37
Article XVI-B	Erie County Consumer Protection Committee.....	39
Article XVI-C	Erie County Citizens Committee on Rape and Sexual Assault.....	41
Article XVI-D	Art and Culture in Public Places Board.....	42
Article XVI-E*	Citizens Salary Review Commission.....	43
Article XVI-E*	Erie County Commission on the Status of Women.....	43
Article XVI-F	Erie County Community Coordinating Council on Children and Families .....	45
Article XVII	Service Relationships with Local Municipalities.....	47
Article XVII-A	Narcotics Control .....	47
Article XVIII	Financial Procedures.....	48
Article XIX	General Provisions.....	52
Article XX	Application of Charter; When and How Operative and Effective.....	54
Article XXI	Sunset Provision.....	55

# **ERIE COUNTY CHARTER**

## **ARTICLE I**

### **ERIE COUNTY AND ITS GOVERNMENT**

- Section 101. Title and purpose.
- 102. County status, powers and duties.
- 103. Charter effect on state laws.
- 104. Charter effect on local laws and resolutions.
- 105. Legislative districts.
- 106. Legislative districts continued.

Section 101. Title and purpose. This charter and all amendments hereto shall constitute the form of government for the county of Erie and shall be known and cited as the "Erie county charter." Among the purposes of this charter are the accomplishment of greater efficiency, economy and responsibility in county government; the securing of all possible county home rule; and the separation of county legislative and executive functions.

Section 102. County status, powers and duties. The county of Erie shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter or by the applicable law.

Section 103. Charter effect on state laws. Within the limits prescribed in the New York state municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter, such law shall be deemed to the extent of such inconsistency to be superceded by this charter insofar as the county of Erie and its government are affected.

Amended by Local Law No. 7-1974.

Section 104. Charter effect on local laws and resolutions. Except to the extent inconsistent with this charter, all existing laws and resolutions heretofore adopted by the county legislature of the county shall continue in force until amended, superceded or repealed as provided herein.

Section 105. Legislative Districts. The county of Erie is hereby divided into seventeen districts, bounded and described as follows:

#### **DISTRICT NO. 1**

All of the City of Lackawanna.

ALSO, all of that portion of the Town of Hamburg bounded and enclosed in the following description:  
COMMENCING at the intersection of the north line of the Town of Hamburg and the east line of the Town of Hamburg; thence westerly along the north line of the Town of Hamburg to the west line of the Town of Hamburg; thence southerly along the west line of the Town of Hamburg to Birchwood Drive extended; thence south along the center line of each of Birchwood Drive extended and Birchwood Drive to Ganymede Lane; thence easterly along the center line of Ganymede Lane to West Lane; thence southerly along the center line of West Lane to Lake Shore Road; thence southwesterly along the center line of Lake Shore Road to Dover Road; thence south along the center line of Dover Road extended to the Conrail right-of-way; thence northeasterly along the Conrail right-of-way to Pleasant Avenue; thence southerly and easterly along the center line of Pleasant Avenue to West Pleasant Drive; thence easterly on West Pleasant Drive to the New York State Thruway right-of-way; thence northeasterly along said right-of-way to the west line of the Village of Hamburg at its intersection with the New York State Thruway right-of-way; thence northeasterly along the Hamburg Village line to Camp Road; thence northwest along Camp Road to the more northerly right-of-way line of the New York State Thruway; thence northeasterly along said right-of-way to South Park Avenue; thence north along the center line of South Park Avenue to Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to the New York State Thruway right-of-way; thence northerly along said right-of-way to Milestrip Road; thence east along the center line of Milestrip Road to Dickens Road; thence northeasterly along the center line of Dickens Road to Bethford Drive; thence southerly along the center line of Bethford Drive to Milestrip Road; thence east along the center line of Milestrip Road to the east line of the Town of Hamburg; thence northerly along the east line of the Town of Hamburg to the point or place of beginning.

ALSO, all that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the west line of the City of Buffalo and Virginia Street extended; thence southerly along the west line of the City of Buffalo to the south line of the City of Buffalo; thence east, southerly,

## ERIE COUNTY CHARTER

easterly, and northerly with all of its meanderings along the south line of the City of Buffalo to the intersection of Dorrance Avenue and the B.R. & P. Railroad; thence northwesterly along the B.R. & P. Railroad to Hopkins Street; thence north along the center line of Hopkins Street to Tift Street; thence westerly and southwesterly along the center line of Tift Street to the Penn Central Railroad; thence northerly along the center line of the Penn Central Railroad to its intersection with South Park Avenue and Fitzgerald Street; thence southerly along the center line of Fitzgerald Street extended to the Erie Lackawanna Railroad; thence southwesterly along the Erie Lackawanna Railroad to Vincennes Street; thence northerly along the center line of Vincennes Street to O'Connell Avenue; thence westerly along the center line of O'Connell Avenue to Louisiana Street; thence northerly along the center line of Louisiana Street to South Park Avenue; thence easterly along the center line of South Park Avenue to Hamburg Street; thence northerly along the center line of Hamburg Street to the New York State Thruway; thence easterly along the center line of the New York State Thruway to the B.C. Railroad; thence northeasterly along the B.C. Railroad to the Erie Lackawanna Railroad; thence northeasterly along the Erie Lackawanna Railroad to Babcock Street extended; thence northeasterly along Babcock Street extended to New Babcock Street; thence northeasterly along the center line of New Babcock Street to William Street; thence west along the centerline of William Street to Milburn Street extended; thence north along the center line of Milburn Street extended to the Penn Central Railroad; thence southwesterly along the Penn Central Railroad to Addison Street; thence westerly along the centerline of Addison Street to Smith Street; thence southerly along the center line of Smith Street to Eagle Street; thence northwesterly along the center line of Eagle Street to Jefferson Avenue; thence southerly along the center line of Jefferson Avenue to South Division Street; thence westerly along the center line of South Division Street to Pine Street; thence northerly along the center line of Pine Street to Eagle Street; thence westerly along the center line of Eagle Street to Washington Street; thence northerly along the center line of Washington Street to West Huron Street; thence westerly along the center line of West Huron Street to Franklin Street; thence northerly along the center line of Franklin Street to West Chippewa Street; thence westerly along the center line of West Chippewa Street to Georgia Street; thence southwesterly along the center line of Georgia Street to Niagara Street; thence northwesterly along the center line of Niagara Street to Carolina Street hence southwesterly along the center line of Carolina Street to Busti Avenue extended; thence northwesterly along Busti Avenue extended to Virginia Street; thence southwesterly along the center line of Virginia Street extended to the point or place of beginning.

## DISTRICT NO. 2

All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Dorrance Avenue and the B.R.&P. Railroad; thence northwesterly along the B.R.&P. Railroad to its intersection with Hopkins Street; thence northerly along the center line of Hopkins Street to Tift Street; thence westerly and northwesterly along the center line of Tift Street to Penn Central Railroad; thence northerly along the Penn Central Railroad to its intersection with South Park Avenue and Fitzgerald Street; thence southerly along the centerline of Fitzgerald Street extended to the Erie Lackawanna Railroad; thence westerly on the Erie Lackawanna Railroad to Vincennes Street; thence northerly along the center line of Vincennes Street to O'Connell Avenue; thence westerly along the center line of O'Connell Avenue to Louisiana Street; thence northerly along the center line of Louisiana Street to South Park Avenue; thence easterly along the center line of South Park Avenue to Hamburg Street; thence northerly along the center line of Hamburg Street to the New York State Thruway; thence easterly along the New York State Thruway to the B.C. Railroad; thence northeasterly along the B.C. Railroad to the Erie Lackawanna Railroad; thence northeasterly along the Erie Lackawanna Railroad to its intersection with New Babcock Street extended; thence northeasterly along the center line of New Babcock Street extended to William Street; thence westerly along the centerline of William Street to the intersection of Milburn Street extended; thence northerly along the center line of Milburn Street extended to the Penn Central Railroad; thence northeasterly along the Penn Central Railroad to Bailey Avenue; thence southerly along the center line of Bailey Avenue to Stanley Street; thence easterly along the center line of Stanley Street to Greene Street; thence northerly along the center line of Greene Street to Reimann Street; thence easterly along the center line of Reimann Street to Longnecker Street; thence northerly along the center line of Longnecker Street to King Street; thence northerly and easterly along the center line of King Street to Ideal Street; thence southerly along the centerline of Ideal Street to Reimann Street; thence easterly along the center line of Reimann Street to North Ogden Street; thence northerly along the center line of North Ogden Street to Reimann Street; thence easterly along the center line of Reimann Street to the east line of the City of Buffalo; thence south along the east line of the City of Buffalo to the south line of the City of Buffalo at Dorrance Avenue; thence easterly along the centerline of Dorrance Avenue to the point or place of beginning.

## **ERIE COUNTY CHARTER**

### **DISTRICT NO. 3**

All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Main Street and Woodlawn Avenue; thence easterly along the center line of Woodlawn Avenue to Chester Street; thence south along the center line of Chester Street to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Jefferson Avenue; thence north along the center line of Jefferson Avenue to Woodlawn Avenue; thence east along Woodlawn Avenue to Dupont Avenue; thence south along the center line of Dupont Avenue to Winslow Avenue; thence east along the center line of Winslow Avenue to Storz Avenue; thence south along the center line of Storz Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Roehrer Avenue; thence south along the center line of Roehrer Avenue to Utica Street; thence east along the center line of Utica Street to Wohlers Avenue; thence northerly along the center line of Wohlers Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to its intersection with the Kensington Expressway; thence northerly along the center line of the Kensington Expressway to its intersection at East Ferry Street; thence easterly along the center line of East Ferry Street to Fillmore Avenue; thence south along the center line of Fillmore Avenue to Winslow Avenue; thence east along the center line of Winslow Avenue to Kehr Street; thence north along the center line of Kehr Street to East Ferry Street; thence west along the center line of East Ferry Street to Chelsea Place; thence north along the center line of Chelsea Place to East Delavan Avenue; thence easterly along the center line of East Delavan Avenue to Courtland Street; thence south along the center line of Courtland Street to Easton Avenue; thence east along the centerline of Easton Avenue to the east line of the City of Buffalo at Eggert Road; thence south along the east line of the City of Buffalo to Genesee Street; thence westerly along the center line of Genesee Street to Forman Street; thence south and easterly along the center line of Forman Street to Peace Street; thence south along the center line of Peace Street to Doat Street; thence west along the center line of Doat Street to its intersection with the former Erie Lackawanna Railroad; thence north along the center line of the former Erie Lackawanna Railroad to Moeller Street extended, thence west along the center line of Moeller Street extended to Warring Avenue; thence northerly along the center line of Warring Avenue to Antwerp Street; thence west along the center line of Antwerp Street to Bailey Avenue; thence south along the center line of Bailey Avenue to Doat Street; thence west along the center line of Doat Street to Burgard Place; thence south along the center line of Burgard Place to Fay Street; thence south along the center line of Fay Street to the intersection of the former Penn Central Railroad; thence westerly along the center line of the former Penn Central Railroad to Koons Avenue extended; thence northerly along the center line of Koons Avenue extended to Walden Avenue; thence west along the center line of Walden Avenue to Mills Street; thence south along the center line of Mills Street to Sycamore Street; thence westerly along the center line of Sycamore Street to Strauss Street; thence south along the centerline of Strauss Street to Broadway; thence west along the center line of Broadway to Detroit Street; thence south along the center line of Detroit Street to West Peckham Street; thence west along the center line of West Peckham Street to Smith Street; thence south along the center line of Smith Street to Eagle Street; thence west along the center line of Eagle Street to Jefferson Avenue; thence south along the center line of Jefferson Avenue to South Division Street; thence west along the center line of South Division Street to Pine Street; thence north along the center line of Pine Street to Eagle Street; thence west along the center line of Eagle Street to Washington Street; thence north along the center line of Washington Street to Huron Street; thence westerly along the center line of Huron Street to Franklin Street; thence north along the center line of Franklin Street to West Chippewa Street; thence westerly along the center line of West Chippewa Street to Whitney Place; thence northerly and west along the center line of Whitney Place to Carolina Street; thence northerly and east along the center line of Carolina Street to West Tupper Street; thence east along the center line of West Tupper Street to Main Street; thence north along the center line of Main Street to Virginia Street; thence west along the center line of Virginia Street to Delaware Avenue; thence north along the center line of Delaware Avenue to West Utica Street; thence east along the center line of West Utica Street to Main Street; thence north along the center line of Main Street to the point or place of beginning.

### **DISTRICT NO. 4**

All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the west line of the City of Buffalo and Breckenridge Street extended; thence easterly along the center line of each of Breckenridge Street extended and Breckenridge Street to Grant Street; thence north along the center line of Grant Street to Boyd Street; thence east along the center line of Boyd Street to Parkdale Avenue; thence north along the center line of Parkdale Avenue to Auburn Street; thence east

## ERIE COUNTY CHARTER

along the center line of Auburn Street to Baynes Street; thence northerly along the center line of Baynes Street to Forest Avenue; thence east along the center line of Forest Avenue to Elmwood Avenue; thence north along the center line of Elmwood Avenue to Middlesex Avenue; thence east along the centerline of Middlesex Avenue to Lincoln Parkway; thence south along the center line of Lincoln Parkway to its intersection with the Scajaquada Expressway; thence easterly along the center line of the Scajaquada Expressway to its intersection with Delaware Avenue; thence northerly along the center line of Delaware Avenue to the center line of the former Penn Central Railroad; thence easterly along the center line of the former Penn Central Railroad to Colvin Avenue; thence northerly along the centerline of Colvin Avenue to Linden Avenue; thence easterly along the center line of Linden Avenue to Parkside Avenue; thence north along the center line of Parkside Avenue to Hertel Avenue; thence east along the center line of Hertel Avenue to Main Street; thence southerly along the center line of Main Street to Amherst Street; thence west along the center line of Amherst Street to Fairfield Street; thence southerly along the center line of Fairfield Street to Main Street; thence southerly along the center line of Main Street to the center line of the former Penn Central Railroad tracks; thence southerly along the centerline of the former Penn Central Railroad tracks to Jewett Avenue; thence northwesterly along the center line of Jewett Avenue to Jewett Parkway; thence northwesterly along the centerline of Jewett Parkway to Crescent Avenue; thence southwesterly along the center line of Crescent Avenue to Florence Avenue; thence southeasterly along the center line of Florence Avenue to Main Street; thence southerly along the center line of Main Street to West Delavan Avenue; thence west along the center line of West Delavan Avenue to Linwood Avenue; thence southerly along the center line of Linwood Avenue to Lafayette Avenue; thence east along the center line of Lafayette Avenue to Oxford Avenue; thence southerly along the center line of Oxford Avenue to West Ferry Avenue; thence easterly along the center line of West Ferry Avenue to Main Street; thence southerly along the centerline of Main Street to West Utica Avenue; thence easterly along the center line of West Utica Avenue to Delaware Avenue; thence southerly along the center line of Delaware Avenue to Virginia Street; thence easterly along the center line of Virginia Street to Main Street; thence southerly along the center line of Main Street to West Tupper Street; thence easterly along the center line of West Tupper Street to Carolina Street; thence westerly along the center line of Carolina Street to Whitney Place; thence southerly along the center line of Whitney Place to Georgia Street; thence southwesterly along the center line of Georgia Street to Niagara Street; thence northerly along Niagara Street to Carolina Street; thence westerly along the center line of Carolina Street to Busti Avenue extended; thence northerly along the center line of Busti Avenue extended to Virginia Street; thence southwesterly along the center line of Virginia Street extended to the west line of the City of Buffalo; thence northwest and north along the west line of the City of Buffalo to the point or place of beginning.

### DISTRICT NO. 5

All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Genesee Street with the east line of the City of Buffalo; thence westerly along the center line of Genesee Street to Forman Street; thence south and easterly along the center line of Forman Street to Peace Street; thence south along the center line of Peace Street to Doat Street; thence west along the center line of Doat Street to its intersection with the former Erie Lackawanna Railroad tracks; thence north along the center line of the former Erie Lackawanna Railroad tracks to Moeller Street extended; thence west along the center line of Moeller Street extended to Warring Avenue; thence northerly along the center line of Warring Avenue to Antwerp Street; thence westerly along the center line of Antwerp Street to Bailey Avenue; thence south along the center line of Bailey Avenue to Doat Street; thence west along the center line of Doat Street to Burgard Place; thence south along the centerline of Burgard Place to Fay Street; thence south along the center line of Fay Street to the intersection of the former Penn Central Railroad tracks; thence westerly along the center line of the former Penn Central Railroad tracks to Koons Avenue extended; thence northerly along the center line of Koons Avenue extended to Walden Avenue; thence west along the center line of Walden Avenue to Mills Street; thence south along the centerline of Mills Street to Sycamore Street; thence west along the center line of Sycamore Street to Strauss Street; thence south along the center line of Strauss Street to Broadway; thence west along the center line of Broadway to Detroit Street; thence south along the center line of Detroit Street to West Peckham Street; thence west along the center line of West Peckham to Smith Street; thence south along the center line of Smith Street to Addison Street; thence east along the center line of Addison Street to its intersection with the tracks of the former Penn Central Railroad; thence easterly along the center line of the tracks of the former Penn Central Railroad to its intersection with Bailey Avenue; thence southerly along the center line of Bailey Avenue to Stanley Street; thence east along the center line of Stanley Street to Greene Street; thence north along the center line of Greene Street to Reimann Street; thence east along the center line of Reimann Street to Longnecker Street; thence northerly along the center line of Longnecker Street to King Street; thence northerly and east along the center line of King Street to

## ERIE COUNTY CHARTER

Ideal Street; thence south along the center line of Ideal Street to Reimann Street; thence east along the center line of Reimann Street to North Ogden Street; thence north along the center line of North Ogden Street to Reimann Street; thence east along the center line of Reimann Street to the east line of the City of Buffalo; thence north along the east line of the City of Buffalo to the point or place of beginning.

ALSO, all that portion of the Town of Cheektowaga bounded and enclosed as follows:

COMMENCING at the intersection of the west line of the Town of Cheektowaga and the center line of William Street; thence northerly along the west line of the Town of Cheektowaga to the rear lot lines of lots on the south side of Southgate Road; thence easterly along said lot lines to a point on the rear lot line of the lots on the south side of Southgate Road, and a line projected northerly from the center line of Kenville Road, approximately one hundred eighty feet east and parallel to the west town line of the Town of Cheektowaga; thence southerly along said line to the center line of Kenville Road; thence southerly and easterly along the center line of Kenville Road and then extended easterly to the center line of Harlem Road; thence north along the center line of Harlem Road to the centerline of Homesgarth Avenue; thence east along the center line of Homesgarth Avenue; to Roycroft Boulevard, thence south along the center line of Roycroft Boulevard to Seton Road; thence east along the center line of Seton Road to Woodbridge Avenue; thence north along the center line of Woodbridge Avenue to Huth Road; thence east along the center line of Huth Road to the center line of the New York State Thruway; thence south along the center line of the New York State Thruway to the rear lot lines of lots on the south of Hemenway Street; thence east along said rear lot lines to Beach Road; thence north along center line of Beach Road to the rear lot lines on the south side of Huth Road; thence east along said rear lot lines to Union Road; thence south along the center line of Union Road to Genesee Street; thence easterly along the center line of Genesee Street to Smith Street; thence southerly along the center line of Smith Street to Broad Street; thence east along the center line of Broad Street to Dick Road; thence southeasterly along the center line of Dick Road to its intersection with the center line of the Scajaquada Creek; thence easterly along the Scajaquada Creek to its intersection with Bahama Lane; thence south along the centerline of Bahama Lane to Zoerb Avenue; thence west along the center line of Zoerb Avenue to Nagel Drive; thence south along the center line of Nagel Drive to Walden Avenue; thence westerly along the center line of Walden Avenue to Union Road; thence north along the center line of Union Road to its intersection with the Scajaquada Creek; thence westerly along the center line of the Scajaquada Creek and all its meanderings to its intersection with the New York State Thruway; thence southerly along the center line of the New York State Thruway to Broadway; thence westerly along the center line of Broadway to Harlem Road; thence south along the center line of Harlem Road to William Street; thence west along the center line of William Street to the point or place of beginning.

## DISTRICT NO. 6

All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the west line of the City of Buffalo and Breckenridge Street extended; thence easterly along the center line of each of Breckenridge Street extended and Breckenridge Street to Grant Street; thence north along the center line of Grant Street to Boyd Street; thence east along the center line of Boyd Street to Parkdale Avenue; thence north along the center line of Parkdale Avenue to Auburn Street; thence east along the center line of Auburn Street to Baynes Street; thence northerly along the center line of Baynes Street to Forest Avenue; thence east along the center line of Forest Avenue to Elmwood Avenue; thence north along the center line of Elmwood Avenue to Middlesex Avenue; thence east along the centerline of Middlesex Avenue to Lincoln Parkway; thence south along the center line of Lincoln Parkway to its intersection with the Scajaquada Expressway; thence easterly along the center line of the Scajaquada Expressway to its intersection with Delaware Avenue; thence northerly along the center line of Delaware Avenue to the center line of the former Penn Central Railroad; thence easterly along the center line of the former Penn Central Railroad to Colvin Avenue; thence northerly along the centerline of Colvin Avenue to Linden Avenue; thence easterly along the center line of Linden Avenue to Parkside Avenue; thence north along the center line of Parkside Avenue to Hertel Avenue; thence east along the center line of Hertel Avenue to Main Street; thence northerly along the center line of Main Street to the former Erie Lackawanna Railroad tracks; thence northerly and westerly along the former Erie Lackawanna Railroad tracks to its intersection with Starin Avenue; thence north along the centerline of Starin Avenue to St. Lawrence Avenue; thence west along the center line of St. Lawrence Avenue to Hobmoor Avenue; thence south along the center line of Hobmoor Avenue extended to Taunton Place; thence west along the center line of Taunton Place to Colvin Avenue; thence north along the center line of Colvin Avenue to its intersection with the north line of the City of Buffalo; thence west and northwesterly along the north line of the City of Buffalo to the west line of the City of Buffalo; thence southwestly and south along the west line of the City of Buffalo to the point or place of beginning.

## **ERIE COUNTY CHARTER**

### **DISTRICT NO. 7**

All that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of Main Street and Woodlawn Avenue; thence easterly along the center line of Woodlawn Avenue to Chester Street; thence south along the center line of Chester Street to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Jefferson Avenue; thence north along the center line of Jefferson Avenue to Woodlawn Avenue; thence east along the center line of Woodlawn Avenue to Dupont Street; thence south along the center line of Dupont Street to Winslow Avenue; thence east along the center line of Winslow Avenue to Storz Avenue; thence south along the center line of Storz Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to Roehrer Avenue; thence south along the center line of Roehrer Avenue to East Utica Street; thence easterly along the center line of East Utica Street to Wohlers Avenue; thence northerly along the center line of Wohlers Avenue to Glenwood Avenue; thence east along the center line of Glenwood Avenue to its intersection with the Kensington Expressway; thence northerly along the center line of the Kensington Expressway to its intersection with East Ferry Street; thence east along the center line of East Ferry Street to Fillmore Avenue; thence south along the center line of Fillmore Avenue to Winslow Avenue; thence east along the center line of Winslow Avenue to Kehr Street; thence north along the center line of Kehr Street to East Ferry Street; thence west along the center line of East Ferry Street to Chelsea Place; thence north along the center line of Chelsea Place to East Delavan Avenue; thence easterly along the center line of East Delavan Avenue to Courtland Street; thence north along the center line of Courtland Street to Easton Avenue; thence east along the centerline of Easton Avenue to the east line of the City of Buffalo; thence north along the east line of the City of Buffalo and all its meanderings to the north line of the City of Buffalo; thence westerly along the meanderings of the north line of the City of Buffalo to its intersection with Allenhurst Road; thence southeasterly along the center line of Allenhurst Road to Main Street; thence southwesterly along the center line of Main Street to Englewood Avenue; thence northwesterly along the center line of Englewood Avenue to Cornell Street; thence southwesterly along the center line of Cornell Street to Tyler Street; thence northwesterly along the center line of Tyler Street to Mildred Street; thence north along the center line of Mildred Street to Merrimac Street; thence west along the centerline of Merrimac Street extended to its intersection with the former Erie Lackawanna Railroad tracks; thence southerly along the former Erie Lackawanna Railroad tracks to Main Street; thence southerly along the center line of Main Street to Amherst Street; thence west along the center line of Amherst Street to Fairfield Street; thence southerly along the center line of Fairfield Street to Main Street; thence south along the centerline of Main Street to the former Penn Central Railroad tracks; thence south along the center line of the former Penn Central Railroad tracks to Jewett Avenue; thence northerly and west along the center line of Jewett Avenue to Jewett Parkway; thence northerly and west along the center line of Jewett Parkway to Crescent Avenue; thence southerly along the center line of Crescent Avenue to Florence Avenue; thence easterly along the center line of Florence Avenue to Main Street; thence southerly along the center line of Main Street to West Delavan Avenue; thence westerly along the center line of West Delavan Avenue to Linwood Avenue; thence south along the center line of Linwood Avenue to Lafayette Avenue; thence east along the center line of Lafayette Avenue to Oxford Avenue; thence south along the center line of Oxford Avenue to West Ferry Street; thence east along the center line of West Ferry Street to Main Street; thence south along the center line of Main Street to the point or place of beginning.

### **DISTRICT NO. 8**

All of that portion of the Town of Cheektowaga bounded and enclosed in the following description:

COMMENCING at the intersection of the east line of the Town of Cheektowaga and the south line of the Town of Cheektowaga; thence westerly, northerly, and westerly along the south line of the Town of Cheektowaga to the west line of the Town of Cheektowaga; thence north along the west line of the Town of Cheektowaga to its intersection with William Street; thence east along the center line of William Street to Harlem Road; thence north along the center line of Harlem Road to Broadway; thence easterly along the center line of Broadway to the New York State Thruway; thence north along the center line of the New York State Thruway to its intersection with the Scajaquada Creek thence easterly along the center line of the Scajaquada Creek to its intersection with Union Road; thence south along the centerline of Union Road to Walden Avenue; thence easterly along the center line of Walden Avenue to Nagel Drive; thence north along the center line of Nagel Drive to Zoerb Avenue; thence east along the center line of Zoerb Avenue to Bahama Lane; thence north along the center line of Bahama Lane to the Scajaquada Creek; thence easterly along the center line of the Scajaquada Creek to its intersection with the west line of the incorporated Village of Depew; thence northwesterly along said west line to the north line of the incorporated Village of Depew; thence easterly, northerly and easterly with all of its meanderings along the north line of the



## **ERIE COUNTY CHARTER**

incorporated Village of Depew to its intersection with the east line of the Town of Cheektowaga; thence south along the east line of the Town of Cheektowaga to the point or place of beginning.

ALSO, all that portion of the Town of Lancaster contained within the boundaries of the incorporated Village of Depew.

### **DISTRICT NO. 9**

All of the Town of Elma. All of the Town of West Seneca.

### **DISTRICT NO. 10**

All the City of Tonawanda. All of the Town of Grand Island.

ALSO, that portion of the Town of Tonawanda bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Tonawanda and Delaware Avenue; thence southerly along the center line of Delaware Avenue to the rear north lot line of Traverse Boulevard; thence easterly along the rear north lot lines of Traverse Boulevard to their intersection with Jewell Street; thence southerly along the center line of Jewell Street to Traverse Boulevard; thence easterly along the center line of Traverse Boulevard to Colvin Boulevard; thence southerly along the center line of Colvin Boulevard to the north line of the Village of Kenmore; thence westerly along the north line of the Village of Kenmore to Delaware Road; thence continuing west along the center line of Kenwood Road to Delaware Avenue; thence southerly along the center line of Delaware Avenue to Westgate Road; thence westerly along the center line of Westgate Road to Elmwood Avenue; thence southerly along the center line of Elmwood Avenue to Lincoln Boulevard; thence easterly along the center line of Lincoln Boulevard to Eugene Avenue; thence southerly along the center line of Eugene Avenue to Mang Avenue; thence westerly along the center line of Mang Avenue to Elmwood Avenue; thence southerly along the center line of Elmwood Avenue to the south line of the Town of Tonawanda; thence westerly along the south line of the Town of Tonawanda to the west line of the Town of Tonawanda; thence northwesterly and northerly along the west line of the Town of Tonawanda to the north line of the Town of Tonawanda; thence southeasterly and easterly along the north line of the Town of Tonawanda to the point or place of beginning.

### **DISTRICT NO. 11**

All that portion of the Town of Tonawanda bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Tonawanda and Delaware Avenue; thence southerly along the center line of Delaware Avenue to the rear north lot line of Traverse Boulevard; thence east along the rear north lots of Traverse Boulevard to Jewell Street; thence south along the center line of Jewell Street to the center line of Traverse Boulevard; thence east along the center line of Traverse Boulevard to Colvin Boulevard; thence south along the centerline of Colvin Boulevard to the north line of the Village of Kenmore; thence westerly along the north line of the Village of Kenmore to its intersection with Delaware Road; thence continuing west along the center line of Kenwood Road to Delaware Avenue; thence southerly along the center line of Delaware Avenue to Westgate Road; thence west along the centerline of Westgate Road to Elmwood Avenue; thence south along the center line of Elmwood Avenue to Lincoln Boulevard; thence east along the center line of Lincoln Boulevard to Eugene Avenue; thence south along the center line of Eugene Avenue to Mang Avenue; thence west along Mang Avenue to Elmwood Avenue; thence south along the center line of Elmwood Avenue to Kenmore Avenue; thence east along the center line of Kenmore Avenue to Niagara Falls Boulevard; thence north along the center line of Niagara Falls Boulevard to Chalmers Avenue; thence west along the center line of Chalmers Avenue to Berkley Street; thence west along the center line of Berkley Street to the rear lot line of lots abutting on the west side of Wendel Avenue; thence south along the rear lot line of lots abutting on the west side of Wendel Avenue to Chelsea Street; thence west along the center line of Chelsea Street to Parkhurst Boulevard; thence northerly along the center line of Parkhurst Boulevard to Briarhurst Drive; thence east along the center line of Briarhurst Drive to Niagara Falls Boulevard; thence north along the center line of Niagara Falls Boulevard to Brighton Road; thence west along the centerline of Brighton Road to Overbrook Avenue; thence northerly along the center line of Overbrook Avenue to the rear lot lines of lots abutting on the south side of Green Acres Road; thence east along the rear lot lines of lots abutting on the south side of Green Acres Road to Niagara Falls Boulevard; thence north along the center line of Niagara Falls Boulevard to the north line of the Town of Tonawanda; thence southwesterly, southerly, and westerly along the north line of the Town of Tonawanda to the point or place of beginning.

## ERIE COUNTY CHARTER

ALSO, all that portion of the City of Buffalo bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the City of Buffalo and the center line of Colvin Avenue; thence south along the center line of Colvin Avenue to Taunton Place; thence east along the center line of Taunton Place to Norwalk Avenue; thence north along the center line of Norwalk Avenue to St. Lawrence Avenue; thence east along the center line of St. Lawrence Avenue to Starin Avenue; thence south along the centerline of Starin Avenue to its intersection with the former Erie Lackawanna Railroad; thence easterly along the former Erie Lackawanna Railroad to its intersection with Merrimac Street extended; thence east along the center line of Merrimac Street extended to Mildred Street; thence southwest along the center line of Mildred Street to Tyler Street; thence southeasterly along the center line of Tyler Street to Cornell Street; thence northerly along the center line of Cornell Street to Englewood Avenue; thence southeasterly along the center line of Englewood Avenue to Main Street; thence northeasterly along the centerline of Main Street to Allenhurst Road; thence northwesterly and northerly along the center line of Allenhurst Road to the north line of the City of Buffalo; thence west along the north line of the City of Buffalo to the point or place of beginning.

### DISTRICT NO. 12

All of the Town of Evans. All of the Town of Eden.

ALSO, all that portion of the Town of Hamburg bounded and enclosed in the following description:

COMMENCING at the intersection of the east line of the Town on Hamburg and the south line of the Town of Hamburg; thence west along the south line of the Town of Hamburg with all its meanderings to the west line of the Town of Hamburg; thence northerly and easterly along the west line of the Town of Hamburg to its intersection with Birch Wood Drive extended; thence southerly along the center line of Birch Wood Drive to Ganymede Lane; thence easterly along the center line of Ganymede Lane to West Lane; thence southerly along the center line of West Lane to Lake Shore Road; thence southeasterly along the center line of Lake Shore Road to Dover Road; thence southerly along the center line of Dover Road extended to the Conrail right-of-way; thence northeasterly along the Conrail right-of-way to Pleasant Avenue; thence southerly and easterly along the center line of Pleasant Avenue to West Pleasant Drive; thence easterly along the center line of West Pleasant Drive to the New York State Thruway right-of-way; thence easterly along the New York State Thruway right-of-way to the west line of the Village of Hamburg; thence northeasterly along the north west line of the Village of Hamburg to Camp Road; thence northwesterly along the center line of Camp Road to the New York State Thruway right-of-way; thence northeasterly along the New York State Thruway right-of-way to South Park Avenue; thence north along the center line of South Park Avenue to Southwestern Boulevard; thence northeasterly along the center line of Southwestern Boulevard to the New York State Thruway right-of-way; thence northerly along the New York State Thruway right-of-way to the intersection of Milestrip Road; thence east along the center line of Milestrip Road to the intersection of Dickens Road; thence northeasterly along the center line of Dickens Road to Bethford Drive; thence southerly along the center line of Bethford Drive to Milestrip Road; thence east along the center line of Milestrip Road to the east line of the Town of Hamburg; thence southerly along the east line of the Town of Hamburg to the point or place of beginning.

ALSO, all that portion of the Town of Orchard Park bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Orchard Park and the west line of the Town of Orchard Park; thence southerly and easterly along the west line of the Town of Orchard Park to its intersection with the Southern (219) Expressway right-of-way; thence northeasterly along the centerline of the Southern Expressway until a point one hundred forty-two feet southwest of the intersection with Powers Road; thence westerly along the south property line of lands fronting on Powers Road; thence north along the west line of Lot 20 Township 9 Range 7; thence northerly along the west property line of lands fronting on Murphy Road to the west property line fronting on Duerr Road; thence westerly along lands fronting on California Road and Duerr Road; thence northwesterly along the west property line of lands fronting on California Road to Big Tree Road; thence easterly along the center line of Big Tree Road to the Southern Expressway; thence northerly along the center line of the Southern Expressway to the intersection at Milestrip Road; thence east along Milestrip Road to the intersection of Southwestern Boulevard; thence northeasterly along Southwestern Boulevard to the center of the North Branch of Smokes Creek; thence northwesterly along the center of the North Branch of Smokes to Lake Avenue; thence west along the center line of Lake Avenue to Bieler Road; thence northerly along the center line of Bieler Road to Berg Road; thence northeasterly along the center line of Berg Road to the north line of the Town of Orchard Park; thence west along the north line of the Town of Orchard Park until the point or place of beginning.

## **ERIE COUNTY CHARTER**

### **DISTRICT NO. 13**

All of the Towns of Aurora, Colden, Boston, Collins, North Collins and Brant.

ALSO, all that portion of the Town of Orchard Park bounded and enclosed in the following description:

COMMENCING at the intersection of the northern line and western line of the Town of Orchard Park; thence south along the western line of the Town of Orchard Park to the southern line of the Town of Orchard Park; thence west and northwesterly along the southern line of the Town of Orchard Park to its intersection with the center line of the Southern Expressway; thence northerly along the center line of the Southern Expressway to its intersection with the south property line of lands fronting on Powers Road; thence westerly along the south property lines of the lands fronting on Powers Roads to the west line of Lot 20, Township 9, Range 7; thence north along the west line of Lot 20, Township 9, Range 7 to the center line of Powers Road; thence westerly along the center line of Powers Road to the west property line of lands fronting on Murphy Road; thence northerly along the west property line of lands fronting on Murphy Road and continuing northerly along the west property line of lands fronting on Duerr Road to the west property line of lands fronting on California Road; thence northerly along the west property line of lands fronting on California Road to the center line of Big Tree Road; thence easterly along the center line of Big Tree Road to the Southern Expressway; thence northerly along the center line of the Southern Expressway to its intersection with Milestrip Road; thence east along Milestrip Road to Southwestern Boulevard; thence northeasterly along Southwestern Boulevard to the center of the North Branch of Smokes Creek; thence northwesterly along the center of the North Branch of Smokes Creek to the center line of Lake Avenue; thence west along the center line of Lake Avenue to the centerline of Bieler Road; thence north along the center line of Bieler Road to the center line of Berg Road; thence northeasterly along the center line of Berg Road to the north line of the Town of Orchard Park; thence easterly, northerly and easterly along the north line of the Town of Orchard Park to the point or place of beginning.

### **DISTRICT NO. 14**

All that portion of the Town of Tonawanda bounded and enclosed in the following description:

COMMENCING at the intersection of Chalmers Avenue and the east line of the Town of Tonawanda; thence westerly along the center line of Chalmers Avenue to Berkley Street; thence westerly along the center line of Berkley Street to the rear lot lines of the lots abutting on the west side of Wendel Avenue; thence south along the rear lot lines of the lots abutting on the west side of Wendel Avenue to Chelsea Street; thence west along the center line of Chelsea Street to Parkhurst Boulevard; thence northerly along the center line of Parkhurst Boulevard to Briarhurst Drive; thence east along the center line of Briarhurst Drive to Niagara Falls Boulevard; thence south along the center line of Niagara Falls Boulevard to the point or place of beginning; In addition,

COMMENCING at the intersection of Niagara Falls Boulevard and Brighton Road; thence west along the center line of Brighton Road to Overbrook Avenue; thence northerly along the center line of Overbrook Avenue to the rear lot lines of the lots abutting on the south side of Green Acres Road; thence west along said rear lot lines to the rear lot lines of lots abutting the east side of Fries Road; thence southerly along said rear lot lines to Glenalby Road; thence west along the center line of Glenalby Road to the rear lot lines of lots abutting the west side of Parker Boulevard; thence north along said rear lot lines to the Youngmann Expressway; thence easterly along the center line of the Youngmann Expressway to Niagara Falls Boulevard; thence south along the center line of Niagara Falls Boulevard to the point or place of beginning. ALSO, all that portion of the Town of Amherst bounded and enclosed in the following description:

COMMENCING at the intersection of the west and south lines of the Town of Amherst; thence north along said west line of the Town of Amherst to the north line of the Town of Amherst; thence continuing along the said north line of the Town of Amherst to the center line of Hopkins Road; thence southerly along the center line of Hopkins Road to Londonderry Lane; thence westerly along the center line of Londonderry Lane to Miller Road; thence northerly along the center line of Miller Road to French Road; thence west along the center line of French Road to the intersection of the Niagara, Lockport and Ontario Power Company high power lines; thence southerly along Niagara, Lockport and Ontario Power Company high power lines to its intersection with the New York Central Railroad; thence westerly along the centerline of the New York Central Railroad to the John James Audobon Parkway; thence southerly along the John James Audobon Parkway to its intersection with Ellicott Creek; thence westerly along the meanderings of Ellicott Creek to Skinnersville Road extended; thence west along the center line of Skinnersville Road extended to Sweet Home Road; thence southerly along the center line of Sweet Home Road to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to a point where it intersects the east rear lot lines of Sweet Home Road; thence south, southwesterly and

## ERIE COUNTY CHARTER

south along the east rear lot lines of Sweet Home Road to their intersection with Sheridan Drive; thence easterly along the center line of Sheridan Drive to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to its intersection with the east line of Greater Lot Number 11; thence south along the easterly line of Greater Lot Number 11 to Main Street; thence westerly along the center line of Main Street to Washington Highway; thence southerly along the center line of Washington Highway to a point intersecting with the back lot lines of homes on the south side of Kings Highway; thence westerly along the rear lot lines of homes on the south side of Kings Highway to a point intersecting the rear lot lines on the east side of Berryman Drive; thence southerly along the rear lot lines of lots on the east side of Berryman Drive to the south line of the Town of Amherst; thence westerly along the south line of the Town of Amherst to the west line of the Town of Amherst; thence northerly and westerly along the west line of the Town of Amherst with all its meanderings to Main Street; thence southwestly along the center line of Main Street to Kenmore Avenue; thence west along the center line of Kenmore Avenue to the point or place of beginning.

ALSO, all that portion of the Town of Cheektowaga bounded and enclosed as follows:

COMMENCING at the intersection of the north line of the Town of Cheektowaga with the west line of the Town of Cheektowaga; thence southerly along the west line of the Town of Cheektowaga to the rear lot lines of lots on the south side of Southgate Road; thence easterly along said lot lines to a point on the rear lot line of the lots on the south side of Southgate Road and a line projected northerly from the center line of Kenville Road, approximately one hundred eighty feet east and parallel to the westerly town line of the Town of Cheektowaga; thence southerly along said line to the center line of Kenville Road; thence southerly and easterly along the center line of Kenville Road and then extended easterly to the center line of Harlem Road; thence north along the center line of Harlem Road to Homesgarth Avenue; thence east along the center line of Homesgarth Avenue to Roycroft Boulevard; thence south along the center line of Roycroft Boulevard to Seton Road; thence east along the center line of Seton Road to Woodbridge Avenue; thence north along the center line of Woodbridge Avenue to Huth Road; thence east along the center line of Huth Road to the New York State Thruway; thence southerly along the center line of the New York State Thruway to the rear lot lines of lots on the south side of Hemenway Street; then east along said rear lot lines to Beach Road; thence north along the center line of Beach Road to the rear lot lines of lots on the south side of South Huth Road and Huth Road; thence east along said rear lot lines to Union Road; thence north along the center line of Union Road to Cleveland Drive; thence easterly along the center line of Cleveland Drive to Montfort Drive; thence northerly along the center line of Montfort Drive to the north line of the Town of Cheektowaga; thence westerly along the north line of the Town of Cheektowaga to the point or place of beginning.

## DISTRICT NO. 15

All that portion of the Town of Amherst bounded and enclosed in the following description:

COMMENCING at the intersection of Hopkins Road and Londonderry Lane; thence westerly along the center line of Londonderry Lane to Miller Road; thence northerly along the center line of Miller Road to French Road; thence westerly along the center line of French Road to the intersection of the Niagara, Lockport and Ontario Power Company high power lines; thence southerly along the Niagara, Lockport and Ontario Power Company high power lines to its intersection with the New York Central Railroad; thence westerly along the center line of the New York Central Railroad to John James Audobon Parkway; thence southerly along the John James Audobon Parkway to its intersection with Ellicott Creek; thence northeasterly along the meanderings of Ellicott Creek to Skinnersville Road extended; thence west along the center line of Skinnersville Road extended to Sweet Home Road; thence southerly along the center line of Sweet Home Road to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to a point where it intersects the rear lot lines of Sweet Home Road; thence south, southwestly and south along the rear lot lines of Sweet Home Road to their intersection with Sheridan Drive; thence easterly along the center line of Sheridan Drive to its intersection with the Lehigh Valley Railroad; thence southeasterly along the Lehigh Valley Railroad to its intersection with the east line of Greater Lot Number 11; thence south along the easterly line of Greater Lot Number 11 to Main Street; thence westerly along the center line of Main Street to Washington Highway; thence southerly along the center line of Washington Highway to a point intersecting with the back lot lines of homes on the south side of Kings Highway; thence westerly along the rear lot lines of homes on the south side of Kings Highway to a point intersecting the rear lot lines on the east side of Berryman Drive; thence southerly along the rear lot lines of lots on the east side of Berryman Drive to the south line

## **ERIE COUNTY CHARTER**

of the Town of Amherst; thence easterly along the south line of the Town of Amherst to Youngs Road; thence north along the center line of Youngs Road to Main Street; thence east along the center line of Main Street to the line of Greater Lot Number 108, Township 12, Range Number 7; thence north along the line of Greater Lot Number 108, Township 12, Range Number 7 to its intersection with Sheridan Drive at Ayer Road; thence north along the center line of Ayer Road to Klein Road; thence westerly along the center line of Klein Road to Chaplewoods Drive; thence north along the center line of Chaplewoods Drive to Crown Point Lane; thence northeasterly along the center line of Crown Point Lane to Deer Run Road; thence east along the center line of Deer Run Road to Presentation Drive; thence north along the center line of Presentation Drive to Wellingwood Drive; thence east along the center line of Wellingwood Drive to Hearthstone Drive; thence northerly along the center line of Hearthstone Drive to Wood Acres Drive; thence north and west along the center line of Wood Acres Drive to Buttonwood Lane; thence northwest along the center line of Buttonwood Lane to Youngs Road extension; thence north along the Youngs Road extension to its intersection with the New York Central Railroad; thence westerly along the New York Central Railroad to its intersection with Hopkins Road; thence north along the center line of Hopkins Road to the point or place of beginning.

### **DISTRICT NO. 16**

All that portion of the Town of Amherst bounded and enclosed in the following description:

COMMENCING at the intersection of Youngs Road and the New York State Thruway; thence north along the center line of Youngs Road to Main Street; thence east along the center line of Main Street to the line of Greater Lot Number 108, Township 12, Range Number 7; thence north along the line of Greater Lot Number 108, Township 12, Range Number 7 to its intersection with Sheridan Drive at Ayer Road; thence north along the center line of Ayer Road to Klein Road; thence westerly along the center line of Klein Road to Chapel Woods Drive; thence north along the centerline of Chapel Woods Drive to Crown Point Lane; thence northerly along the center line of Crown Point Lane to Deer Run Road; thence east along the center line of Deer Run Road to Presentation Drive; thence north along the center line of Presentation Drive to Wellingwood Drive; thence east along the center line of Wellingwood Drive to Hearthstone Drive; thence northerly along the center line of Hearthstone Drive to Wood Acres Drive; thence north and west along the center line of Wood Acres Drive to Buttonwood Lane; thence northwest along the center line of Buttonwood Lane to Youngs Road Extension; thence north along the Youngs Road Extension to its intersection with the New York Central Railroad; thence westerly along the New York Central Railroad to its intersection with Hopkins Road; thence north along the center line of Hopkins Road to the north line of the Town of Amherst; thence north and easterly along the north line of the Town of Amherst with all its meanderings to the east line of the Town of Amherst; thence southerly along the east line of the Town of Amherst to its intersection with the New York State Thruway; thence westerly along the center of the New York State Thruway to the point or place of beginning.

ALSO, all of the Town of Clarence.

ALSO, all of the Town of Newstead.

ALSO, all that portion of the Town of Cheektowaga bounded and enclosed in the following description:

COMMENCING at the intersection of the north line of the Town of Cheektowaga and Transit Road; thence southerly along the center line of Transit Road to its intersection with the north line of the incorporated Village of Depew; thence westerly, southerly, and westerly with all of its meanderings along the north line of the incorporated Village of Depew to Dick Road; thence northerly along the center line of Dick Road to Broad Street; thence west along the center line of Broad Street to Smith Street; thence northerly along the center line of Smith Street to Genesee Street; thence westerly along the center line of Genesee Street to Union Road; thence north along the centerline of Union Road to Cleveland Drive; thence easterly along the center line of Cleveland Drive to Montfort Road; thence northerly along the center line of Montfort Road to the north line of the Town of Cheektowaga; thence east, north, and easterly with all of its meanderings along the north line of the Town of Cheektowaga to the point or place of beginning.

### **DISTRICT NO. 17**

All the Towns of Alden, Concord, Holland, Marilla, Sardinia, Wales, and Lancaster, excepting therefrom that portion of the Town of Lancaster which is enclosed in the incorporated village of Depew.

Section 105      Amended by Local Law No. 2-1991.

Section 105      Amended by Local Law No. 1-1967.

## **ERIE COUNTY CHARTER**

Section 106. Legislative Districts, continued. The seventeen legislative districts as previously bounded and described by Local Law No. 3-1981, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, 1992. For the purpose of the general election of 1991 and all other purposes, except as herein before provided, the county of Erie is divided into seventeen districts, bounded and described as contained in section one hundred five herein.

### **ARTICLE II**

#### **LEGISLATIVE BRANCH**

- Section 201. County legislature constituted.
- 202. Powers and duties.
- 202.1 Qualifications and eligibility of county legislators.
- 202.2 Elections and terms of office.
- 202.3 Increasing the salaries of county elected officials.
- 203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts.
- 204. Form and procedure.
- 205. Procedure for adoption of local laws.
- 206. Filing and publication of local laws; judicial notice.
- 207. Referendum.
- 208. Effective date.
- 209. Ordinances.
- 210. Advisory committee on reapportionment.
- 211. Approval of independent auditors.

Section 201. County legislature constituted. The county legislature shall be composed of twenty members who shall be elected one from each of the twenty legislative districts set forth in section one hundred five hereof. The county legislators representing the twenty districts herein created when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

Amended by Local Law No. 1-1967.

Amended by Local Law No. 1-1966.

Section 202. Powers and duties. Except as otherwise provided in this charter, the county legislature shall have and exercise all powers and duties of the county, all powers and duties heretofore or hereafter conferred or imposed on said county legislature or other county legislative body by applicable law, and all powers necessarily incidental thereto. All provisions of applicable law wherein powers and duties are conferred upon the legislative body of a county of the state of New York shall be construed to refer to the county legislature of Erie county.

The county legislature shall have, but not by way of limitation, the following powers and duties:

a. To make appropriations, levy taxes and incur indebtedness.

b. To exercise all powers of local legislation in relation to enacting, amending, repealing or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the county executive in such instances as are specifically provided in this charter.

Amended by Local Law No. 10-1974.

c. By local law to adopt, amend and repeal an administrative code which shall set forth the details of administration of the county government in harmony with the provisions of this charter and may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter.

d. By local law to create, alter, combine or abolish county administrative units not headed by elective officers.

e. To adopt by resolution all necessary rules and regulations for its conduct and procedure.

f. To fix the compensation of all officers and employees paid from county funds, except members of the judiciary.

g. To fix the amount of bonds of officers and employees paid from county funds.

h. To make such studies and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence, deemed necessary or material to the study or inquiry.

## ERIE COUNTY CHARTER

i. To determine and make provision for any matter of county government not otherwise provided for, including any matter involved in the transition to this charter form of government.

j. To award contracts submitted to it for approval on bids or otherwise and to determine whether acceptance of any bid or award of any proposed contract will best promote the public interest. In the awarding of contracts, the first consideration shall be given to the best promotion of the public interest.

Subsection j. Added by Local Law No. 7-1978.

Section 202 Amended by Local Law No. 1-1967.

Section 202.1. Qualifications and eligibility of county legislators. At the time of nomination or appointment and throughout the term of office, each county legislator shall be a duly qualified elector of the legislative district from which he is elected. A county legislator shall not hold any other salaried elective public office during his tenure. Where a vacancy in an appointive county office takes place and the right to fill said vacancy is vested in the county executive, subject to confirmation by the county legislature, or the power of appointment is vested in the county legislature, a person, otherwise qualified, who is a member of the county legislature at the time the vacancy occurs may be appointed to fill the vacancy provided he shall have resigned prior to such appointment.

Amended by Local Law No. 7-1971

1967 Local Laws of Cities, Counties, Towns and Villages.

Added by Local Law No. 1-1967

1971 Local Laws of Cities, Counties, Towns and Villages.

Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years.

Added by Local Law No. 1-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Section 202.3. Increasing the salaries of county elected officials. The Erie county legislature is hereby prohibited from changing the salary of any county elected official, excluding the district attorney, except in accordance with the following procedure:

a. Prior to acting upon the citizens salary review commission's biennial report, the county legislature shall hold at least one public hearing to solicit public input on said commission's recommendations.

b. Notices of all such public hearings shall be published at least once in the official newspaper or newspapers of the county and in such other newspapers as the county legislature may direct. At least five days but not more than ten days shall elapse between the first publication of such notice and the date specified for the hearing.

c. The county legislature shall have one year from the date said recommendations are submitted to adopt, modify, or reject the recommendations of the citizens salary review commission.

d. Any salaries approved by the county legislature in excess of those recommended by the citizens salary review commission shall be approved by a vote of at least two-thirds of all the members of the county legislature.

e. The county legislature shall specifically establish the effective date of any adjustments in the salaries of elected county officials. No increase in the salary of an elected official shall be permitted for any fiscal year in which there is an increase in the real property tax levy over the tax levy of the previous fiscal year.

Amended by Local Law No. 1-1992.

f. The county legislature's review of salaries as set forth above shall occur during every even year starting with nineteen hundred eighty-six.

Amended by Local Law No. 1-1988.

Added by Local Law No. 6-1986.

Section 203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts. A local law is a law adopted pursuant to this charter within the power to do so granted by the constitution, any act of the legislature or provision of this charter. This term shall not include are solution, ordinance or legalizing act.

The county may adopt, amend and repeal a local law. A local law may relate to the property, affairs or government of the county or any other subject matter of county concern. In the exercise of such power the county may change, superseded or amend any act of the legislature. Such power shall include but not be limited to

## ERIE COUNTY CHARTER

whatever power is vested in any county in the state of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charters, administrative codes, special acts or local laws.

Section 204. Form and procedure. Every local law shall be entitled "A local law" (amending etcetera or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

Except as otherwise provided in this charter the procedure for the adoption of a local law including referendum, mandatory or permissive, shall be as provided in the administrative code and in the absence thereof by applicable law.

Section 205. Procedure for adoption of local laws. Every local law adopted by the county legislature shall be certified by the clerk thereof after its adoption by such body and shall be presented to the county executive for approval by him. No local law shall be approved by the county executive until a public hearing thereon has been held before him. This hearing shall be held on public notice of at least five days, such notice to be given by the county executive within ten days after the local law shall have been presented to him, and the hearing shall be held within twenty days after such presentation. If the county executive approves the local law, he shall sign it and return it to the clerk of the county legislature. If he disapproves it he shall return it to the clerk with his objections stated in writing, and the clerk shall present the law with such objections to the county legislature at its next regular meeting. Such objections shall be entered in the legislature's record of proceedings. The county legislature within thirty days thereafter may reconsider the local law. If after the reconsideration such local law is repassed by a vote of at least two-thirds of the total voting power of the county legislature, it shall be deemed adopted, notwithstanding the objections of the county executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record of proceedings. If within thirty days after a local law shall have been presented to him the county executive shall neither approve it nor return it to the clerk with his objections, the local law shall be deemed to be adopted in like manner as if he had signed it. At any time prior to the approval of a local law or to its return by the county executive, the county legislature may recall the same and reconsider its action thereon.

NEW section 205 Added by Local Law No. 8-1974.

Former section 205 **REPEALED** by Local Law No. 8-1974.

Section 206. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be provided by section three hundred six of the county law, and the courts shall take judicial notice of all local laws, and of rules and regulations adopted pursuant thereto.

Section 207. Referendum. A local law shall be subject to mandatory or permissive referendum when required by this charter, the administrative code or applicable law. Where no mandatory or permissive referendum is so required, the county legislature may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

Section 208. Effective date. After adoption, every local law shall become effective when filed in the office of the secretary of state or on such later date as in said local law provided.

Section 209. Ordinances. Ordinances may be adopted by the county legislature subject to veto by the county executive. The procedure shall be the same as herein provided for the adoption of local laws except that an ordinance shall not be subject to referendum, mandatory or permissive. An ordinance may provide for any subject matter of county concern not required to be provided by local law, legalizing act or resolution of the county legislature.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine and imprisonment or by two or more such penalties or punishments.

Ordinances, and their application, particular subjects and form may be as further provided in the administrative code.

Section 210. Advisory committee on reapportionment. During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the county legislature on whether and how the county legislature should be reapportioned consistent with federal and state law. During the first two months the chairman of the county legislature shall give public notice of the intent to create such an advisory committee and shall invite interested persons and groups to



## ERIE COUNTY CHARTER

inform the county legislature of their availability to serve on such an advisory committee. The county legislature shall appoint the advisory committee consisting of fifteen members, as follows: the chairman of the county legislature or his designee, the majority and minority leaders of the legislature or their designees, the commissioners of the board of elections or their designees, and ten residents of Erie county representing interested community groups, five of whom shall be appointed by the majority leader and five of whom shall be appointed by the minority leader. The chairman of the advisory committee shall be appointed by the chairman of the legislature. The advisory committee shall submit its final report to the county legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie county, whichever is later. At any time prior to the expiration of this term, the county legislature may extend such term once, for a period not to exceed thirty days.

Amended by Local Law No. 7-1981.

Section 211. Approval of independent auditors. Upon reviewing the results of the audit committee's evaluation of all audit report and management letter proposals which have been certified by certified public accounting firms and said committee's recommendations for the award of audit report and management letter contracts, the county legislature shall by a majority vote enact a resolution specifying the name(s) of the certified public accounting firm(s) it has selected to prepare annual audit reports and accompanying management letters for the county of Erie, the Erie county medical center and the home and infirmary.

Amended by Local Law No. 5-1985.

### ARTICLE III EXECUTIVE BRANCH

- Section 301. The county executive; election; term; qualifications.
- 302. Powers and duties.
- 303. Removal of the county executive.
- 304. Deputy county executive; how designated; when to act.
- 305. Division of budget and management.
- 306. Division of purchase; purchasing act **Repealed**.
- 307. Administrative heads; term; interim appointment; appointment of other officers and employees.
- 308. Confirmation by county legislature.
- 309. Powers of deputy county executive.
- 310. Division of information and support services.

Section 301. The county executive; election; term; qualifications. The executive branch of county government shall be administered by the county executive who shall be elected from the county at large. His term of office shall begin with the first day of January next following his election and shall be for four years, except that the term of the county executive elected in nineteen hundred sixty shall be for three years. At the time of his election and throughout his term of office he shall be a qualified elector of the county. He shall devote his whole time to the duties of his office and shall hold no other public office, except as provided in section three hundred seven hereof.

Section 302. Powers and duties. The county executive, in addition to any other powers and duties provided by this charter shall:

- a. Be the chief executive officer and administrative head of the county government.
- b. Except as otherwise provided in this charter, and subject to confirmation where so provided, appoint to serve during his pleasure the head of every department and other administrative unit of the county and the officers and employees in his own office.
- c. Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which he has power to appoint.
- d. Be the chief budget officer of the county.
- e. Determine and fix real property tax equalization rates among the various taxing districts of the county for county purposes and file the same with the county legislature on or before the first day of November in each year.
- f. Have authority to appoint and terminate one or more temporary advisory boards of citizens of the county who shall, without compensation other than such necessary expenses as may be provided in the budget, assist in the consideration of county administrative policies and programs.

## ERIE COUNTY CHARTER

g. Annually designate one or more depositories located within the county for the deposit of all moneys received by the commissioner of finance.

h. Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings.

i. Report to the county legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, the activities of the several administrative units of the county during the preceding fiscal year in such detail as the county legislature shall direct.

j. Appoint a member of the county legislature to serve as chairman of such legislature (1) for the remainder of the calendar year in case the county legislature has failed to select a chairman on or before February first, or (2) for the unexpired term of the previous chairman in case the county legislature has failed to select a chairman within thirty days after a vacancy has occurred in the office of the chairman.

k. Perform such other duties and have such other powers as may be prescribed for him by law, administrative code, county ordinance or resolution.

l. In addition to the powers set forth in this charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this charter.

m. Have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.

n. Subject to section nineteen hundred two, section eighteen hundred thirteen and section two hundred eleven of this charter, contract with a firm of certified public accountants to perform an annual independent audit of county financial accounts to be completed and delivered to the county legislature within five months after the end of each fiscal year.

Amended by Local Law No. 5-1985.

Amended by Local Law No. 1-1982.

o. Determine annually the amount of capital borrowings required to fund capital projects which were approved by the legislature in the current or prior year budgets.

Added by Local Law No. 8-1988.

p. Provide the comptroller by February fifteenth, or as soon as possible, thereafter, of each year with a listing of the capital projects the county plans to initiate during the fiscal year. Said listing shall describe each project, start-up date, and the annual cash requirements until completion. Changes to this listing are to be provided throughout the fiscal year, as required.

Added by Local Law No. 8-1988.

q. Periodically advise the comptroller of short-term borrowing needs due to requirements that the comptroller may not be aware of.

Added by Local Law No. 8-1988.

r. After preparation by comptroller, approve as to content all official statements necessary for the county to issue bonds or notes.

Added by Local Law No. 8-1988.

s. Not be an officer, director, or stockholder of any depository or depositories designated by him pursuant to this section.

Subsection s. Added by Local Law No. 8-1988.

Section 302 Amended by Local Law No. 8-1988.

Section 303. Removal of the county executive. The county executive may be removed by the governor in the manner provided in the public officers law for the removal of other county officers.

Section 304. Deputy county executive; how designated; when to act. The deputy county executive shall be first in the order of succession and shall perform the duties of the county executive during the latter's absence. The county executive shall designate in writing one or more appointive department or executive division heads, to perform the duties of the county executive during the absence of the county executive and the deputy county executive. Such appointment, with order of succession specified, shall be filed with the clerk of the legislature. Any such designation may be revoked by the county executive at any time by filing a notice of revocation with the clerk of the legislature. If a vacancy occurs in the office of the county executive, the deputy county executive shall serve until the vacancy is filled pursuant to this charter.

## ERIE COUNTY CHARTER

In the event that no deputy county executive has been appointed or is able to serve, the legislature shall designate an appointive department or executive division head to perform the duties of the office during the inability of the county executive to perform by reason of absence from the county or disability.  
Amended by Local Law No. 1-1971.

Section 305. Division of budget and management. There shall be in the office of the county executive a division of budget and management headed by a director of budget and management who shall be appointed by and will serve at the pleasure of the county executive. The director of budget and management shall assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller. The director of budget and management shall report to the county executive on the implementation of such audit recommendations and his actions pertaining to efficiency and productivity monitoring. A fifteen member advisory board whose members shall be appointed by the county executive shall advise the director of budget and management on all matters pertaining to the management and performance of county government. The members of the board shall not be officers or employees of the county of Erie.

All reference contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

Amended by Local Law No. 4-1985.

Amended by Local Law No. 3-1979.

Section 306. Division of purchase; purchasing act repealed. There shall be in the office of the county executive a division of purchase, headed by a purchasing director who shall be appointed by and serve at the pleasure of the county executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years professional training in the area of purchasing, or shall possess a combination of said requirements totalling at least five years. The purchasing director shall, in accordance with requirements as to advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the county, except as otherwise provided in this charter or the administrative code. He shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to the availability of funds. The Erie county purchasing act, being chapter one hundred sixty-seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Amended by Local Law No. 5-1980.

Section 307. Administrative heads; term; interim appointment; appointment of other officers and employees. Except as otherwise provided in this charter, the county executive shall appoint, to serve during his pleasure or for such term as may be specified in this charter, the head of every department or other administrative unit not administered by an elective official. The appointment by the county executive of the head of each department, or other administrative unit except executive division, shall be subject to confirmation by the county legislature. The county executive may appoint one head for two or more departments or other administrative units, subject to all requirements as to qualifications and confirmation, or may himself so serve without such confirmation.

All appointments shall be in writing, signed by the county executive and filed in the office of the clerk of the county legislature within ten days after the date of appointment. No such appointee shall hold office beyond the term of the county executive by whom the appointment was made, except that unless removed he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.

Upon confirmation by the county legislature and qualifying for the office, an appointee to the position of head of a department or other administrative unit shall enter upon the duties thereof. In the event the county legislature has neither confirmed nor rejected an appointment within a period of thirty days after the filing thereof with the clerk of the board, such appointment shall be deemed to be confirmed. Awaiting action by the county legislature the county executive may designate a qualified person to serve as such head for a period not to exceed thirty days in any calendar year.

All other officers and employees of each department or other administrative unit shall be appointed by the head thereof.

## ERIE COUNTY CHARTER

Section 308. Confirmation by county legislature. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of members of the county legislature taken at a regular or special meeting.

Section 309. Powers of deputy county executive. The deputy county executive shall act in the absence of the county executive and shall have all of the powers and duties of the county executive when so acting. The deputy county executive shall perform such duties and have such powers as shall be delegated by the county executive.

Added by Local Law No. 1-1971.

Section 310. Division of information and support services. a. There shall be in the office of the county executive a division of information and support services, headed by a director of information and support services who shall be appointed by and serve at the pleasure of the county executive. The director shall provide such information and support services as provided for in the administrative code and shall operate such other central facilities as may be established by the county executive within the appropriations provided there for.

NEW section 310 Added by Local Law No. 3-1989.

Former section 310 **REPEALED** by Local Law No. 3-1989.

Amended by Local Law No. 5-1974.

Added by Local Law No. 13-1972.

b. Within the division of information and support service there shall be an office of data processing, headed by the director of data processing who shall be appointed by and serve at the pleasure of the county executive. The director shall be a person meeting such qualifications as may be set out in this charter or in the administrative code at the time of his appointment. The director shall perform such data processing services as provided for in the administration code.

Amended by Local Law No. 3-1989.

Added by Local Law No. 11-1974.

c. Subject to the approval of the county legislature, the county executive may enter into a contract with the federal government, state government or any municipal corporation to provide data processing services to such governments or units of government.

Amended by Local Law No. 3-1989.

Amended by Local Law No. 11-1974.

Added by Local Law No. 13-1972.

## ARTICLE IV

### DEPARTMENT OF FINANCE

Section 401. Department of finance; commissioner;  
board of equalization and elective office of treasurer abolished.

402. Powers and duties.

Section 401. Department of finance; commissioner; board of equalization and elective office of treasure abolished. There shall be a department of finance headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county legislature. The commissioner shall possess at least five years of practical experience in public accounting and be a licensed public accountant by the state of New York and/or shall have five years of administrative experience in the area of finance or shall possess a combination of said requirements. The Erie county equalization board act, being chapter three hundred four of the laws of nineteen hundred nineteen as amended is hereby repealed, and the elective office of county treasurer shall be abolished, as of January first, nineteen hundred sixty-one.

Amended by Local Law No. 2-1975.

Section 402. Powers and duties. Except as otherwise provided in this charter, the commissioner of finance shall:

a. Collect, receive, deposit, and disburse all fees, revenues and other funds of the county for which the county is responsible and report all such transactions to the comptroller on a daily basis in the format prescribed by the comptroller for the accounting thereof.

## **ERIE COUNTY CHARTER**

b. Have custody of the county's vendor bank account, disburse from this account all vendor payments prepared by the comptroller's office, and advise the comptroller of cash requirements for this bank account on a weekly basis to ensure that adequate cash is on deposit to cover expenditures.

c. Perform all duties, including but not limited to the collection of taxes, required by any law to be performed by a county treasurer or county sales tax director.

d. Perform all duties in relation to the extension of taxes and the issuing of tax bills heretofore performed by the clerk of the county legislature.

e. Keep a record of the transfer of title to real property and immediately notify the town clerk or the city board of assessors of all such transfers in each town or city, as the case may be.

f. Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.

g. Submit annually to the county executive proposed county tax equalization rates consistent with standards prescribed by the legislature.

h. Report all transactions involving deposits, revenues, and appropriations to the comptroller on a daily basis in the format proscribed by the comptroller for the accounting thereof.

i. Review and evaluate the comptroller's annual investment plan. Submit to the county executive, director of budget and management, and the comptroller the results of this review and any proposed changes. This review will be based on anticipated revenues and borrowings. As a part of the budget process, the county executive shall consider the commissioner of finance's evaluations and recommendations in the preparation of his tentative budget.

j. Submit to the county legislature and county executive reports and interpretations thereof as requested on a timely basis.

Amended by Local Law No. 8-1988.

Amended by Local Law No. 4-1985.

## **ARTICLE V**

### **DEPARTMENT OF HEALTH**

Section 501. County health district and department; commissioner; qualifications; appointment and term.

502. Powers and duties of the commissioner.

503. Board of health.

504. Sanitary code.

505. County laboratory district; county laboratory; director.

Section 501. County health district and department; commissioner; qualifications; appointment and term. The county, including the cities, towns and villages and special districts situated therein, shall continue to be a county health district. There shall be a department of health headed by a commissioner. The county executive shall appoint as commissioner of health a physician duly licensed to practice medicine in the state of New York, who shall be experienced in public health administration and shall possess such qualifications as are prescribed in the state sanitary code or otherwise by the public health council of the state of New York. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

Section 502. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law. He shall perform such additional and related duties as the county executive may prescribe.

The commissioner shall supervise and be responsible for, and shall appoint and have charge of the county medical examiners and their staff, which county medical examiners shall be physicians duly licensed to practice in the state of New York. The medical examiners shall have such powers and duties as are or may be prescribed by any state law, county law, special act, or local law, including any duties previously assigned to the medical director as regards inquiries into deaths occurring without medical attendance. The chief medical examiner shall be keeper of the morgue.

Amended by Local Law No. 4-1984.

## **ERIE COUNTY CHARTER**

Section 503. Board of health. There shall be in the department a board of health, the members of which shall be appointed by the county executive. The composition of such board in regard to the number of members and professional, governmental or other representation, and the terms of such members, shall be as provided in the public health law for a county board of health. The board of health shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the preservation and improvement of the public health and on matters relating to services and facilities of the county laboratory.

Amended by Local Law No. 8-1989.

Section 504. Sanitary code. The board of health may formulate, promulgate, adopt and publish rules, regulations, orders and directions relating to health in the county, which shall not be inconsistent with the public health law or the state sanitary code. Such rules, regulations, orders and directions shall be known as the county sanitary code. Any and all provisions of the Erie county sanitary code in effect at the time of adoption of this charter shall remain in full force and effect until amended or repealed by the board of health. No amendment of the county sanitary code with respect to the establishment or revision of schedules of fees by the board of health shall take effect until such amendment is ratified by the county legislature. If the legislature shall not ratify, modify or reject such amendments within sixty days following the presentation of such amendments to the clerk of the legislature by the board of health, then such amendments shall be deemed ratified.

The provisions of the county sanitary code shall have the force and effect of law. Penalties for violation of or non-conformance with such code shall be as provided by such code or other applicable law. Certified copies of such code shall be received in evidence in all courts and proceedings in the state.

Amended by Local Law No. 1-1994.

Section 505. County laboratory district; county laboratory; director. The county, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the department an Erie county laboratory headed by an assistant director. The county executive shall appoint as laboratory assistant director a person who shall possess such qualifications as may be prescribed by the public health council of the state of New York for a clinical laboratory director. Such appointments shall be for the term or balance thereof of the county executive making such appointment.

The director shall be responsible for the serological, bacteriological and other public health laboratory work for the county laboratory district, as required by the health commissioner. Except as otherwise provided in this charter, he shall exercise all powers and perform all duties of a county laboratory board.

Added by Local Law No. 8-1989.

## **ARTICLE VI DEPARTMENT OF LAW**

Section 601. Department of law; county attorney.

602. Powers and duties.

Section 601. Department of law; county attorney. There shall be a department of law headed by the county attorney, who shall be appointed by the county executive subject to confirmation by the county legislature. He shall be a member in good standing of the bar of the state of New York.

Section 602. Powers and duties. The county attorney shall be the legal advisor for the county and, on its behalf in county matters, of its officers and administrative units. He shall, in all county legal matters of a civil nature, advise all county officers and employees and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith, prosecute or defend all actions or proceedings of a civil nature brought by or against the county; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the county legislature, together with notices and other items in connection therewith; and perform such additional and related duties as may be prescribed by law, by the county executive or by resolution of the county legislature.

## **ARTICLE VII DEPARTMENT OF PARKS AND RECREATION**

Section 701. Department of parks and recreation; commissioner; parks act REPEALED.

702. Powers and duties.

703. County parks and other recreation facilities.

Section 701. Department of parks and recreation; commissioner; parks act repealed. There shall be a department of parks and recreation headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county parks act, being chapter six hundred six of the laws of nineteen hundred forty-seven as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

## **ERIE COUNTY CHARTER**

Section 702. Powers and duties. Except as otherwise provided in this charter, the commissioner shall have supervision and control over the design, construction, operation, maintenance and repair of all county owned and operated properties and facilities for the following purposes; parks and recreation facilities therein, beaches, zoological and botanical gardens, forest lands and golf courses, together with buildings, structures, roads, parking areas, utilities, equipment and appurtenances. He shall perform such additional and related duties as the county executive may prescribe.

Section 703. County parks and other recreation facilities. The county legislature is hereby authorized on behalf of the county to accept by gift and to acquire by purchase, condemnation, lease or otherwise, real property for the purposes set forth in section seven hundred two hereof. The county legislature may abandon such purposes by local law and may dispose of such property.

## **ARTICLE VIII**

### **DEPARTMENT OF PERSONNEL**

Section 801. Department of personnel; commissioner.

802. Powers and duties.

Section 801. Department of personnel; commissioner. There shall be a department of personnel headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county legislature.

Section 802. Powers and duties. The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county civil service commissioner as provided by the civil service law, and, he shall be subject to supervision and control by the state civil service commission as are county civil service commissions. Provided, however, that the state civil service commission shall have exclusive jurisdiction to prepare and rate examinations and establish eligibility lists for all positions under the jurisdiction of the county personnel commissioner. The commissioner shall perform such additional and related duties as the county executive may prescribe.

## **ARTICLE IX**

### **DEPARTMENT OF ENVIRONMENT AND PLANNING**

Section 901. Department of environment and planning; commissioner; qualifications.

902. Powers and duties of commissioner.

903. County environmental quality code.

Section 901. Department of environment and planning; commissioner; qualifications. There shall be a department of environment and planning headed by a commissioner. He shall be appointed by the county executive, subject to confirmation by the county legislature. He shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental control or regional, county or municipal planning.

Section 902. Powers and duties of commissioner. The commissioner of environment and planning shall have the following powers and duties:

a. He shall administer the planning, environmental compliance, drainage, flood control, solid waste management, sewerage planning, construction and management functions vested in the executive branch of the county government, provided, however, that this provision shall not be deemed to restrict the powers or duties of any administrative body appointed, designated, or established in accordance with article five-a of the county law and the Erie county charter and administrative code.

Amended by Local Law No. 6-1988.

b. He shall head the department of environment and planning, supervise and direct its officers and employees, and make such assignments of powers and duties among them as he may consider advisable.

c. He may promulgate, administer, enforce and amend a county environmental quality code, pursuant to section nine hundred three of this charter.

d. He may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders or programs in relation to the control, enhancement and preservation of environmental resources.

## ERIE COUNTY CHARTER

e. He shall advertise and call for bids on the construction of each sewer project of the county and such other projects as may be assigned to this department by the county legislature, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.

f. He shall have such additional powers and duties as may be prescribed by the county executive.

g. He shall have all powers necessary or proper to the exercise of any of the duties or functions of the commissioner of the department of environment and planning.

Former subdivision h. **REPEALED** by Local Law No. 1-1986.

Former subdivision h. Added by Local Law No. 3-1978.

Section 903. County environmental quality code. To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the public health law to formulate, promulgate, adopt, publish and enforce rules, regulations, orders and directions for the security of life and health to be known as a sanitary code may be exercised by the commissioner of environment and planning in formulating, promulgating, adopting, publishing and enforcing an environmental quality code. The commissioner may also promulgate such other and additional rules and regulations as he shall consider appropriate to enhance the quality, use and enjoyment of air, water and other resources within the county, in furtherance of public health, safety, and welfare. This shall not be deemed to limit the authority of the commissioner of health or the board of health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or amendment of the county environmental quality code, the commissioner shall conduct a public hearing, pursuant to the procedures set forth in section 9.06(a) of the Erie county administrative code. Following such public hearing, if the commissioner's decision is to adopt said proposed code or amendment, he shall file a copy of the said preliminary decision with the clerk of the legislature. If the county legislature shall so direct, pursuant to section 9.06(a) of the Erie county administrative code, the commissioner shall conduct a second public hearing.

Nothing in this section shall be construed to mean that the commissioner must promulgate or enforce such rules, regulations, orders and directions except as he has the necessary staff and funds to do so.

Article IX - Environmental Management **REPEALED** in its entirety and NEW article IX Added by Local Law No. 2-1977.

Former sections 904 and 905 **REPEALED** by Local Law No. 1-1986.

Former sections 904 and 905 Added by Local Law No. 3-1978.

## ARTICLE X

### DEPARTMENT OF PUBLIC WORKS

Section 1001. Department of public works; commissioner; qualifications.

1002. Powers and duties.

1003. Divisions of the department.

Section 1001. Department of public works; commissioner; qualifications. There shall be a department of public works headed by a commissioner. He shall be appointed by the county executive, subject to confirmation by the county legislature and shall be a professional engineer licensed and registered by the state of New York.

Section 1002. Powers and duties. Except as otherwise provided in this charter, the commissioner of public works shall:

a. Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law and of a county traffic safety board pursuant to section sixteen hundred seventy-five of the vehicle and traffic law.

b. Have charge and supervision of the design, construction, reconstruction, alteration, maintenance, repair and operation of county buildings, grounds, parking fields, drives and walks, but not including custodial care of the technical institute, library, jail, penitentiary, home and infirmary, hospital or laboratory.

c. Advertise and call for bids on the construction of each public works project of the county, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.

d. Perform such additional and related duties as the county executive may prescribe.



## ERIE COUNTY CHARTER

Amended by Local Law No. 14-1974.

Amended by Local Law No. 11-1972.

Amended by Local Law No. 1-1965.

Section 1003. Divisions of the department. There shall be within the department of public works the following divisions: highways; buildings and grounds; and weights and measures.

Amended by Local Law No. 14-1974.

Added by Local Law No. 1-1965.

### ARTICLE XI

#### DEPARTMENT OF SOCIAL WELFARE

Section 1101. Department of social welfare; commissioner; county welfare act **repealed**.

1102. Powers and duties of the commissioner.

1103. Welfare advisory board.

Section 1101. Department of social welfare; commissioner; county welfare act repealed. There shall be a department of social welfare headed by a commissioner who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county social welfare act, being chapter twenty-eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1102. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of social welfare shall:

a. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law.

b. **REPEALED** by Local Law No. 9-1989.

c. Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.

d. Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency telephone service shall be available on a twenty-four hour basis for medical, psychiatric and non-medical crises.

e. Perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 6-1975.

Section 1103. Welfare advisory board. There shall be in the department a welfare advisory board of seven members appointed by the county executive for five-year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department or involving social welfare.

### ARTICLE XI-A

#### DEPARTMENT OF PUBLIC SAFETY

**REPEALED** in its entirety by Local Law No. 2-1972.

Amended by Local Law No. 1-1964

1964 Local Laws of Cities, Counties, Towns and Villages.

### ARTICLE XI-B

#### DEPARTMENT OF MENTAL HEALTH

Section 11-B-01. Department of mental health; commissioner.

11-B-02. Powers and duties.

11-B-03. Advisory board.

Section 11-B-01. Department of mental health; commissioner. There shall be a department of mental health, the head of which shall be the commissioner of mental health. He shall be appointed by the county executive

## **ERIE COUNTY CHARTER**

subject to confirmation by the county legislature. The commissioner shall meet those qualifications fixed by the state department of mental hygiene and in existence at the time of his appointment.

Amended by Local Law 2-1988.

Section 11-B-02. Powers and duties. Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. Within appropriations made available there for, the commissioner shall perform all duties with respect to child mental health services. He shall perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 2-1989.

Section 11-B-03. Advisory board. The county executive shall appoint a mental health advisory board which shall, at the request of the commissioner, and may on its own initiative, advise on matters relating to an adequate program of mental health services in the county. The composition of such board in regard to the number of members and the professional, governmental or other representation, and the terms of such members, shall be as provided in the mental hygiene law for the community mental health board.

Amended by Local Law No. 4-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

## **ARTICLE XI-C**

### **DEPARTMENT OF EMERGENCY SERVICES**

Section 11-C-01. Department established; commissioner of emergency services.

11-C-02. Powers and duties.

11-C-03. Advisory boards.

Section 11-C-01. Department established; commissioner of emergency services. There shall be a department of emergency services, the head of which shall be the commissioner of emergency services. He shall be appointed by the county executive subject to confirmation by the county legislature to serve at the pleasure of the county executive.

Section 11-C-02. Powers and duties. The commissioner of emergency services shall:

a. Have all the powers and perform all the duties conferred or imposed upon county directors of emergency medical services by the laws of the state of New York.

b. Plan, develop and coordinate, to the extent authorized by law or agreement, the implementation of protocols and procedures for, and the provision of, emergency medical services within the county of Erie, including, but not limited to: training and certification of persons as emergency medical technicians at one or more levels of service; communications services, including medical telemetry and control, between hospitals and ambulances by medical emergency radio system; ambulance dispatching, inspection and certification.

c. Have all the powers and shall perform all of the duties conferred or imposed upon county fire coordinators by the laws of the state of New York.

d. Have all the powers and execute the duties of the county executive in his capacity as the county's local director of civil defense under the New York state defense emergency act, being chapter eighty-four of the laws of nineteen hundred and fifty-one, as amended.

e. Develop, make public and regularly amend a county disaster preparedness plan, in accordance with article two-B of the executive law, for the coordination of emergency services in the event of natural or other disaster or emergency.

f. Coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event of a declaration by the county executive of a state of emergency or disaster within the county or in the case such assistance is requested by the chief executive of any city, town or village within the county.

g. Originate, coordinate, and promote programs with respect to fire safety, emergency medical services and disaster preparedness within the county of Erie.

h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

## **ERIE COUNTY CHARTER**

Section 11-C-03. Advisory boards. The county executive shall appoint the following three advisory boards, which shall advise on matters relating to emergency medical services, fire safety, and civil defense/disaster preparedness, respectively, either at the request of the commissioner or upon their own initiative:

- a. Emergency medical services advisory board.
- b. Fire advisory board.
- c. Civil defense/disaster preparedness advisory board.

Added by Local Law No. 1-1986.

## **ARTICLE XI-D**

### **DEPARTMENT OF CENTRAL POLICE SERVICES**

Section 11-D-01. Department of central police services; commissioner.

11-D-02. Powers and duties

11-D-03. Board of trustees.

Section 11-D-01. Department of central police services; commissioner. There shall be a department of central police services, the head of which shall be the commissioner of central police services. He shall be appointed by the county executive, subject to confirmation by the county legislature, from a list of three qualified candidates provided by the central police services board of trustees. The commissioner shall serve at the pleasure of the county executive.

Section 11-D-02. Powers and duties. The commissioner of central police services shall:

- a. Coordinate, administer, originate and promote programs of professional and technical services to police agencies in the county.
- b. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 11-D-03. Board of trustees. The county executive shall appoint a central police services board of trustees of seven members which shall set the policy for the department and advise on matters relating to programs of professional and technical services to police agencies in the county. Should the office of commissioner become vacant, the central police services board of trustees shall submit a list of three qualified candidates to the county executive. Such board shall be composed of the commissioner of police of the city of Buffalo; the inspector, division of records and communications, Buffalo police department; the Erie county sheriff; a member designee of the Erie county chiefs of police association; a designee of the county executive; a member of the Erie county legislature designated by the chairman of the legislature; and a designee of the association of Erie county governments, who is an elected official. Such board shall be responsible to the county executive.

Amended by Local Law No. 12-1972.

Added by Local Law No. 3-1972.

## **ARTICLE XI-E**

### **DEPARTMENT OF SENIOR SERVICES**

Section 11-E-01. Department of senior services; commissioner.

11-E-02. Powers and duties.

11-E-03. Advisory board.

Section 11-E-01. Department of senior services; commissioner. There shall be a department of senior services, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. There shall be no deputy commissioner nor shall any position be created, by whatever title, providing for duties and emoluments which would be appurtenant in fact to the office of a deputy commissioner of the department.

Section 11-E-02. Powers and duties. The commissioner of the department shall:

- a. Act as a local administrative officer for planning and coordination of services for senior citizens in cooperation with the county executive and the county legislature;
- b. Serve as an advocate in order to make existing service systems more effective and accessible to senior citizens;

## **ERIE COUNTY CHARTER**

- c. Assess the future needs of senior citizens to insure the continuance of beneficial programs and to implement additional services according to need and demographics including handicapped and disabled senior citizens;
- d. Apply for such federal and state funds and grants as may be beneficial to senior citizen's programs;
- e. Function as a coordinator with the cities, towns and villages within the county for community-based systems for senior citizens;
- f. Gather and disseminate information relating to the needs of the aging and inform the public through an awareness program of the services and facilities available to senior citizens;
- g. Initiate and monitor programs to preserve the safety of senior citizens with respect to transportation services and crime prevention;
- h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 11-E-03. Advisory board. There shall be established an advisory board to the department of senior services.

Added by Local Law No. 5-1979.

## **ARTICLE XI-F\***

### **DEPARTMENT OF YOUTH SERVICES**

Section 11-F-01. Department of youth services; commissioner.

11 F-02. Powers and duties.

11-F-03. Youth services board.

Section 11-F-01. Department of youth services; commissioner. There shall be a department of youth services, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. Within said department there shall be a youth division, a detention division and a child mental health service division each headed by a deputy director.

Section 11-F-02. Powers and duties. The commissioner of the department shall:

- a. Act as the local administrative officer for planning, coordination, and management of services for youth in cooperation with the county executive and the county legislature;
- b. Serve as an advocate in order to make existing service systems more effective and accessible to youth;
- c. Assess the future needs of youth to insure the continuance of beneficial programs and to implement additional services according to need and demographics, including mentally and physically handicapped and disabled youth;
- d. Apply for such federal and state funds and grants as may be beneficial to youth;
- e. Improve coordination among county agencies and between cities towns, and villages within the county which are involved in the provision of services to youth, especially those youth who are at risk of involvement in the juvenile and criminal justice system, in order to assure more effective planning, program development, and administration of services which are provided on behalf of these youngsters;
- f. Gather and disseminate information relating to the needs of youth and inform the public of the services and facilities available to youth;
- g. Initiate and monitor programs to preserve the safety of youth with respect to handicapped youth transportation and education services, and juvenile delinquency prevention;

Amended by Local Law No. 2-1989.

h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 11-F-03. Youth services board. There shall be established a youth services board to the department of youth services.

Added by Local Law No. 3-1983.

\* See also article XI-F, Office for the Disabled, Added by Local Law No. 4-1983.

## ERIE COUNTY CHARTER

### ARTICLE XI-F\*

#### OFFICE FOR THE DISABLED

- Section 11-F-01. Office for the disabled; director.  
11-F-02. Powers and duties  
11-F-03. Advisory board.

Section 11-F-01. Office for the disabled; director. There shall be an office for the disabled, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the county executive.

Section 11-F-02. Powers and duties. The director of the office shall:

- a. Advocate the benefits and services which disabled persons are entitled to under the law and represent the disabled in various area of concern affecting their rights as citizens, including, but not limited to transportation, education, recreation, economic security, architectural barriers and rehabilitation;
- b. Identify and recommend to public and private agencies and organizations which serve the disabled, to the county legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled;
- c. Identify areas of unmet needs and gaps in services and programs for the disabled;
- d. Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county legislature, county departments and public and private agencies and organizations which serve the disabled;
- e. Assist in the delivery of needed services to the disabled and encourage appropriate services providers, both public and private to provide for an effective delivery of services to the disabled;
- f. Establish and maintain coordination and communications with all public and private agencies and departments in the county which provide services and programs to the disabled;
- g. Develop and provide an information and referral service for all services and programs for the disabled and their families;
- h. Gather and disseminate information relating to the needs of the disabled and inform the public through an awareness program of the services and facilities available to disabled persons;
- i. Issue such publications and reports which in the director's judgement will promote the interests of the disabled;
- j. Meet regularly with and provide technical and staff assistance to the Erie county council on the disabled;
- k. Perform such further duties as may be prescribed or directed by the county executive or the county legislature;

Section 11-F-03. Advisory board. There shall be established an advisory board to the office for the disabled which shall be known as the Erie county council on the disabled.

Added by Local Law No. 4-1983.

\* See Also, article XI-F, Department of Youth Services, added by Local Law No. 3-1983.

### ARTICLE XII

#### COMPTROLLER

- Section 1201. Election; comptroller's act **Repealed**.  
1202. Powers and duties.

Section 1201. Election; comptroller's act repealed. There shall be a county comptroller who shall be elected from the county at large. His term of office shall begin with the first day of January next following his election and shall be for four years. At the time of his election and throughout his term of office he shall be a qualified elector of the county. He shall devote his whole time to the duties of his office and shall hold no other public office. The Erie county comptroller's act, being chapter four hundred twenty-three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Section 1202. Powers and duties. The comptroller shall:

## ERIE COUNTY CHARTER

a. Be the chief fiscal, accounting, reporting and auditing officer of the county, and oversee the fiscal affairs of the county including the sale of all bonds and notes and the investment of proceeds thereof and the investment of agency and trust funds, as well as general and operating fund revenues.

b. Maintain the official accounting records for all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, expenditures, appropriations, revenues and estimated revenues and prescribe approved methods of accounting for county officers and administrative units in accordance with standards and policies prescribed by the New York state comptroller and the governmental accounting standards board.

c. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible, and certify as to the availability of funds therefor.

d. Audit and certify for payment all lawful claims, or charges against the county or against funds for which the county is responsible.

e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the county is responsible in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States, and submit such audit reports to the legislature.

f. Procure statements from all depositories of county funds and funds for which the county is responsible, and reconcile such statements with county accountants.

g. Conduct management and performance audits of county administrative units and county funded programs in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States and submit such audit reports to the legislature.

h. Provide such other accounting reports and interpretation thereof to the county executive and legislature as requested on a timely basis.

i. Submit to the county legislature and county executive and the independent auditor hired by the county pursuant to charter section nineteen hundred two, monthly accounting reports of appropriations, encumbrances, expenditures and revenues on an accrual basis from the county's computerized accounting system, monthly statements from all depositories of county funds and funds for which the county is responsible, quarterly financial statements for the first three quarters of each fiscal year and annually a comprehensive financial statement containing a balance sheet and statement of revenues, expenditures and changes in fund balances.

j. Provide all records and reports requested or required by New York state, the independent auditor for the annual audit of the county's financial statements, and other independent auditors under contract with the county of Erie.

k. With the assistance of the county attorney or his designee, prepare bond resolutions for approval by the county legislature and secure funds from the bond market for approved capital projects. Notification of plans to secure both funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing interest rate, and repayment schedule. In addition, once the Erie county legislature and county executive approve the bond resolution, the comptroller must, as requested, seek financing of said bond resolution. Furthermore, after the required approvals by the Erie county legislature and the county executive, funds approved for capital projects must be released by the comptroller.

l. Prepare annual cash flow statements, monitor cash flow, and when necessary, secure short-term funds. Notification of plans to secure short-term funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing, interest rate, and repayment schedule.

m. Issue and certify any official statement necessary for the county to issue bonds or notes, provided such statement must have been approved as to content by the county executive and as to form by the county attorney or his designee.

## **ERIE COUNTY CHARTER**

n. Provide the director of budget and management, the finance commissioner, and the county executive with complete debt service information for the annual budget, information on the monthly cash flow statements, and other reports as required, in accordance with time guidelines established by the budget director.

o. Transfer cash from appropriate accounts upon the request of the commissioner of finance to the county vendor bank account under the control of the commissioner of finance.

p. Perform such additional and related duties as may be prescribed by local law.

q. As a part of the budget process, provide the finance commissioner and budget director with an annual plan of investment and interest earnings.

r. Have custody of all accounts, except the vendor bank account which is in the custody of the commissioner of finance.

Amended by Local Law No. 8-1988.

Amended by Local Law No. 4-1985.

## **ARTICLE XIII COUNTY CLERK**

Section 1301. Election.

1302. Powers and Duties.

Section 1301. Election. There shall be a county clerk who shall be elected from the county at large. His term of office shall begin with the first day of January next following his election, and shall be for four years except as otherwise provided in this charter. At the time of his election and throughout his term of office he shall be a qualified elector of the county. He shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1302. Powers and duties. Except wherein consistent with this charter, the county clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by local law.

## **ARTICLE XIV DISTRICT ATTORNEY**

Section 1401. Election.

1402. Powers and duties.

Section 1401. Election. There shall be a district attorney who shall be elected from the county at large. His term of office shall begin with the first day of January next following his election, and shall be for four years except as otherwise provided in this charter. At the time of his election and throughout his term of office he shall be a qualified elector of the county. He shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1402. Powers and duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by local law.

## **ARTICLE XV SHERIFF**

Section 1501. Election.

1502. Powers and duties.

1503. Deputies and employees.

1504. Erie county holding center.

Section 1501. Election. There shall be a sheriff who shall be elected from the county at large. His term of office shall begin with the first day of January next following his election and shall be for four years except as otherwise provided in this charter. At the time of his election and throughout his term of office he shall be a qualified elector of the county. He shall devote his whole time to the duties of his office and shall hold no other public office.

## ERIE COUNTY CHARTER

Section 1502. Powers and duties. The sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by local law.

Section 1503. Deputies and employees.

A. The deputies and employees of the Erie county sheriff's department shall be in the classified service under the provisions of the civil service law of the state of New York, and shall be subject to and governed and controlled by the rules and regulations of the New York state department of civil service as follows:

1. All personnel employed by the sheriff of Erie county in the following titles, shall be within the competitive class of the classified service: assistant chief deputy, criminal; deputy sheriff, criminal; senior communications officer; communications officer, chief identification officer; identification officer; principal guard; jail guard; hospital guard; matron; steward.

2. Personnel holding the following titles shall be within the non-competitive class of the classified service: chief criminal deputy; superintendent of jails; assistant superintendent of jails; cook; assistant cook; registered nurse; medical aide; extern; hospital guard (PT); special deputy (PT).

3. Personnel holding the following titles shall be within the labor class of the classified service: laborer; cleaner; kitchen helper.

4. Personnel holding the following titles shall be within the exempt class of the classified service: protestant chaplain; catholic chaplain.

5. Detective deputies and special deputies shall be temporary assignments, to be made by the sheriff from the ranks of the criminal deputies, and to serve at his pleasure, within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.

B. Personnel holding the following titles shall be continued within the classification known as "Flaherty": undersheriff; inspector; deputy sheriff, civil (including court deputies); deputy sheriff, female; secretary to the sheriff; principal deputy, courts; assistant chief deputy sheriff, civil; assistant to bookkeeper; chief account clerk; senior account clerk; cashier; senior clerk stenographer; clerk stenographer; clerk typist; telephone operator. Appointments to these positions shall be made by the sheriff, to serve at his pleasure within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.

C. All titles other than those listed in subdivisions A and B above shall be classified in accordance with the rules and regulations of the civil service law of the state of New York.

D. All personnel employed by the Erie county sheriff's department who hold positions which are within the classified service under the New York state civil service law and who have served for one year in their respective positions prior to the effective date of this local law shall be covered-in in the respective positions without further examination.

Subsection D. Added by Local Law No. 5-1973.

NEW section 1503 Added by Local Law No. 4-1973.

Former section 1503 **REPEALED** by Local Law No. 4-1973.

Former section 1503 Added by Local Law No. 2-1969

1969 Local Laws of Cities, Counties, Towns and Villages.

Section 1504. Erie county holding center. The Erie county jail shall be known hence forth as the Erie county holding center. Whenever the terms "Erie county jail", "county jail", or "correctional facility" when used in reference to the Erie county jail, or any variations of these terms appear in this charter, the Erie county administrative code, or in any other statute, local law or ordinance, they shall be deemed as applying to the Erie county holding center.

Added by Local Law No. 12-1973.



## ERIE COUNTY CHARTER

### ARTICLE XVI

#### OTHER COUNTY BOARDS, OFFICERS, INSTITUTIONS AND FUNCTIONS

- Section 1601. Board of elections.  
1602. Erie county medical center; board of managers; chief executive officer; treasurer.  
1603. County laboratory; director; advisory board.  
1604. **REPEALED.**  
1605. Traffic safety advisory board.  
1606. Probation department; director.  
1607. Other boards; how appointed.  
1608. Additional appointments by county executive.  
1609. Miscellaneous administrative functions.  
1610. Erie and Niagara counties regional planning board.  
1611. Erie county home commissioner.  
1611. Support of public libraries.

Section 1601. Board of elections. The board of elections, its powers and duties and the method of appointment of the members thereof by the county legislature shall continue as provided by law.

Section 1602. Erie county medical center; board of managers; chief executive officer; treasurer.

A. Legislative Intent. It is found, declared and determined that the Erie county medical center is a public purpose institution and was built and exists in all respects for the benefit of the people of the county of Erie to provide quality services without respect to ability to pay. The exercise by the board of managers of its ascribed functions, powers and duties as herein after provided, constitutes the performance of an essential public governmental purpose.

B. 1. There shall be a medical center board of managers of thirteen members who are resident citizens of the county of Erie appointed for five year staggered terms. The county executive shall make the appointments for ten positions, the chairman of the Erie county legislature shall make the appointment for one position, and the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie county legislature shall by majority vote make the appointment each for one position, and all such appointments shall be subject to confirmation by the Erie county legislature.

2. Of those eleven members first appointed, three shall have been appointed for a term of five years, two appointed for a term of four years, two appointed for a term of three years, two appointed for a term of two years, and two appointed for a term of one year. The chairman of the Erie county legislature shall designate one of the two positions which next become vacant by expiration of the original term after approval of this local law at referendum, which position shall then and thereafter be the position to be appointed by the chairman of the Erie county legislature with the appointee serving for a term of five years. The two board members first appointed by the members of the Erie county legislature shall each serve for a term of four years. Appointments of successors shall be for the full term of five years except that the appointment of a person to fill a vacancy occurring by death, resignation or cause other than the expiration of a term shall be made for the unexpired term. Board members shall hold over and continue to discharge the duties of their office after the expiration of the terms of their appointment, until a successor has been chosen and qualified. Nothing contained herein shall divest any present board member of his previously appointed term and any present vacant position shall be filled for the balance of the original term. The provisions of subdivision three of section one hundred twenty-seven of the general municipal law shall apply with respect to vacancies in the office of any board member.

3. No member of the board shall serve in any salaried or elected position in the Erie county government. No member of the board of managers shall have any financial interest in the medical center nor shall any member sit on an advisory or governing board of any other hospital. Members shall serve without compensation for their services as members of the board except as otherwise provided by resolution of the Erie county legislature. Members shall, however, be entitled to be reimbursed for actual expenses in performing the duties of their office.

4. The county of Erie hereby agrees to confer upon each present or future member of the board of managers the benefits of section eighteen of the public officers law of the state of New York, as it now exists or hereafter may be amended, and to be held liable for the costs incurred by each such board member under the provisions of such section.

C. The board of managers shall have and exercise all the powers and duties of a board of managers of a public general hospital under New York statutes not inconsistent with the provisions of this section of the Erie county charter, and shall also have and exercise those powers and duties conferred or imposed on the board by the Erie county charter, the administrative code, and subsequent local law. Except as otherwise specifically provided, this section shall supersede all other provisions of the Erie county charter and administrative code as to the matters herein contained, and in accordance therewith, the board shall exclusively have and exercise the following powers and duties:

## ERIE COUNTY CHARTER

1. The board shall have the general superintendence, management and control of the Erie county medical center and of the grounds, buildings, officers, employees, staff and patients thereof; and of all matters relating to the government, discipline, contracts (except for collective bargaining agreements), and fiscal concerns of the medical center. The board shall make such rules and regulations as may seem to it necessary for carrying into effect the purposes of the medical center and providing for its operation and sound management. Nothing contained herein shall effect the responsibility of the county of Erie to negotiate with the recognized and certified collective bargaining agent for the employees at the medical center.

2. The board shall maintain an effective inspection of the medical center and keep itself informed of the affairs and management thereof and shall periodically review the progress, environment, and direction of the medical center. The board shall adopt by-laws which among other things shall govern the time, place, and conduct of board meetings.

3. The board shall provide for the medical care and treatment of all persons admitted to the medical center; and shall appoint and may remove members of the medical and dental staff; and shall establish rules and regulations governing the service thereof and approve the medical-dental staff by-laws which shall comply with the New York state public health law and all other applicable laws and regulations, provided that nothing herein shall diminish the rights and protections guaranteed by any collective bargaining agreement.

4. The board shall appoint and, subject to legislative appropriations provided therefor and the provisions of paragraph 8(a) of subdivision C of this section, fix the compensation of the medical center superintendent, the medical director and the medical center chief financial officer. The medical center superintendent shall be, and have the title of, the Erie county medical center chief executive officer. The chief executive officer shall be appointed on the basis of his training and experience in hospital administration, shall not be a member of the board, and shall hold office at the pleasure of the board. The chief executive officer of the medical center shall have and exercise all the powers and duties of a superintendent of a public general hospital under New York statutes not inconsistent with this section of the Erie county charter, and shall also have and exercise those powers and duties conferred or imposed by the Erie county charter, the administrative code, and subsequent local law.

5. The board shall elect the Erie county medical center treasurer who shall have the authority to direct that all proper bills and accounts of the medical center, including salaries and wages, be paid. The county chief fiscal officer shall disburse the funds directed paid by the medical center treasurer. The medical center treasurer shall also have the authority, subject to approval by the medical center board, the county executive, the county chief fiscal officer, and the county legislature to: (1) establish bank accounts in the name of the Erie county medical center, and deposit therein all monies received or collected by the medical center; and (2) receive and have custody of all funds of the medical center, including funds received from the county's general fund, charges, fees, medicaid, medicare, private insurers, patient payments, and funds from all other sources. The board may delegate some or all of the duties of a treasurer to a medical center chief financial officer.

6. The board shall adopt an overall charge schedule for the medical center and approve any revisions thereto, including, but not limited to, charges for patient rooms, all ancillary services, supplies, medications and special services, provided that such charge schedule and any revisions thereto shall be consistent with all applicable statutes and regulations of the state of New York and federal government and shall not impair, prevent, or interfere with the delivery of free care to the indigent. The board shall notify the Erie county executive and Erie county legislature of all proposed fee and charge increases prior to enactment and imposition.

7. The board may institute actions at law and in equity for the collection of claims and obligations due to the medical center from any and all causes, and may prosecute, compromise or settle such claims and obligations, or waive the collection of all or any portion of any uncollected claims or obligations, retain counsel to conduct such litigation, and contract with a private collection agency for the collection of overdue claims and obligations. No collection activity or procedure shall impair, prevent, or interfere with the delivery of free care to the indigent. The board will report at least annually to the county legislature, the county executive, and the county chief fiscal officer following action by the board waiving the collection of claims or obligations.

8. The payment of bills and accounts payable for the operation and maintenance of and capital improvements to the medical center shall be approved by the board for expenditure by such board through the Erie county medical center treasurer subject to the following:

a. The board shall submit a proposed tentative operation and maintenance budget, including cash flow projections, to the county executive at such time and in the format prescribed by the county director of budget and management. Said operation and maintenance budget shall be reviewed by the county director of budget and management and the county executive, who shall submit their recommendations with the county budget each year

## ERIE COUNTY CHARTER

to the Erie county legislature. After final approval of the operation and maintenance budget by the county executive and the county legislature, the county shall pay to the medical center the funds designated in the county budget as the "transfer of funds appropriated from the county general fund to the Erie county medical center fund", as such designation may be amended from time to time, in periodic interim payments as agreed upon between the board, the county chief fiscal officer and the director of budget and management. The board shall have the discretionary power to make transfers and adjustments within and between all accounts within the adopted budget, as it deems necessary for the operation of the medical center. A copy of each budget transfer shall be provided to the county director of budget and management and the clerk of the Erie county legislature within thirty days of the board's approval of same.

b. The board shall submit a proposed tentative capital budget and program, including cash flow projections, to the county executive at such time and in such format prescribed by the county director of budget and management. Said capital budget and program shall be reviewed by the county director of budget and management and the county executive, who shall submit their recommendations with the county budget each year to the Erie county legislature. Said proposed tentative capital budget and program shall be reviewed as provided in sections eighteen hundred two and eighteen hundred three of the Erie county charter and sections 18.03 and 18.04 of the administrative code, as these sections now exist or hereafter may be amended. After final approval of the capital budget and program by the county executive and the county legislature, the board shall have the discretionary power to make transfers and adjustments between all accounts within an approved capital project, subject to any provisions of a bond or note resolution relating to the project. A copy of each such transfer shall be provided to the county director of budget and management and the clerk of the Erie county legislature within thirty days of the board's approval of same.

c. Subject to civil service law and rules and to all provisions of applicable collective bargaining agreements, the board shall have the power to create and abolish full-time and part-time permanent or temporary positions of employment. Assignment of job groups, except in the case of the medical center chief executive officer, medical director and chief financial officer, shall be certified by the county department of personnel. When the medical center is unable to fill a position with a qualified person at the lowest salary level for the job group assigned to the position, the board may fill such position at a higher salary increment with the assigned job group with the approval of the county department of personnel.

d. No payment shall be authorized or made and no obligations incurred except in accordance with appropriations duly made, or except as otherwise permitted by the charter or the administrative code; provided that this shall not be construed to prevent the board from entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

e. If at any time during the fiscal year it appears that the medical center revenue available will not be sufficient to meet the amounts appropriated, or that the actual year to date expenditures will exceed the amounts appropriated, the board of managers shall report to the county executive and the county legislature within thirty days of the identification of the short fall the estimated amount of the deficit, remedial action to be taken, and recommendations for further action. Failure to do so shall constitute cause for removal of members of the board from office by the county executive with the approval of the county legislature.

9. a. The board shall have the power to make all purchases of, leases, and contracts for all necessary furniture, appliances, fixtures, equipment, materials, drugs and supplies, and other needed items for the operation of the medical center. The board may designate the medical center chief executive officer as its purchasing agent who in turn may delegate such function to his designee and who shall supervise the personnel responsible for the purchasing duties and responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the board.

b. The board shall have the authority to approve all contracts for services rendered by the medical center and for services rendered to or for the medical center, including professional, technical and other consultant services, except that in the case of any hospital management contract as defined in New York State health department regulations, such contract shall also be approved by the county legislature. The board may authorize the medical center chief executive officer to sign and execute all such contracts on behalf of the medical center. No service provided by employees covered by a collective bargaining agreement shall be contracted out without conducting prior negotiations with appropriate bargaining units and following all procedures required by section two hundred nine of the civil service law of the state of New York.

c. The board shall have the authority to make all necessary capital improvements and all necessary ordinary repairs to any existing buildings and grounds used for the medical center, provided that any capital improvements as defined in the New York state local finance law have been approved by the county executive and

## ERIE COUNTY CHARTER

the county legislature as part of the capital budget. The board shall have the authority to approve all contracts for such capital improvements and ordinary repairs, except that it shall not enter into any such contracts to be financed by bonds or notes unless the county executive and the county chief fiscal officer have certified that proceeds from such bonds or notes are available. The board may authorize the medical center chief executive officer to execute all such contracts for such capital improvements and ordinary repairs.

d. All contracts to be executed by the board or by the chief executive officer on behalf of the medical center shall be approved as to form by the county attorney. A copy of each such contract should be filed with the county attorney and the county chief fiscal officer.

e. The procedures for purchasing, including public advertising, competitive bidding, and/or requests for proposals, shall be the same as those set forth in section three hundred six of the charter and sections 3.06, 3.07 and 19.08 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that actions may be taken by the county legislature, the action of the medical center board of managers shall be substituted and be sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the medical center chief executive officer shall be substituted and be sufficient.

10. The board is authorized to accept and administer all grants, awards and gifts made to the medical center by any person or outside agency including the state and federal governments. It may accept grants, awards and gifts requiring matching of funds or of other financial commitments on the part of the county only where such funds can be obtained from approved budget sources.

11. The board shall have the authority to approve all certificate of need applications to be submitted to the New York state department of health. The board may authorize the chief executive officer to prepare and submit such applications. The medical center shall not eliminate or reduce any service requiring submission of a certificate of need application pursuant to the New York state public health law and regulations without notifying and consulting with the county executive and the county legislature prior to submitting such application.

12. The board may provide for periodic, independent audits of all accounts maintained and of all bills and accounts payable out of the funds of medical center in addition to the annual independent audit provided for in sections two hundred eleven, three hundred one(n) and eighteen hundred thirteen of the charter, as these sections now exist or hereafter may be amended. All the books and accounting procedures of the medical center shall be kept in conformity with applicable state and federal requirements and shall be subject to audit by the comptroller of the county of Erie. The board shall render reports respecting any and all receipts and expenditures of the medical center as the county executive and county legislature shall request.

13. The Erie county legislature strongly supports the relationship between Erie county medical center and the school of medicine and biomedical sciences of the state university of New York at Buffalo. The board shall take all appropriate actions to retain and enhance the benefits arising from said relationship. The medical center shall provide the Erie county legislature with an annual report on the status of the affiliation agreement and any changes related thereto.

14. The board shall deliver to the county legislature, the county executive and the county chief fiscal officer a detailed quarterly report of the operations of the medical center and such other information as shall be requested from time to time.

NEW section 1602 Added by Local Law No. 9-1988.

Former section 1602 **REPEALED** by Local Law No. 9-1988.

NEW section 1602 Added by Local Law No. 2-1985.

Former section 1602 **REPEALED** by Local Law No. 2-1985.

Former section 1602 Amended by Local Law No. 9-1982.

Section 1603. County laboratory; director; advisory board. The county, including the towns, cities, villages and special districts situated therein, shall continue to be a county laboratory district. There shall be an Erie county laboratory, headed by a director. The county executive shall appoint a laboratory director who shall possess such qualifications as prescribed by applicable state law and regulations. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

The director shall be responsible for the pathological, toxicological, serological, bacteriological and other laboratory work for the county laboratory district, the county health district and the county hospital or hospitals. Except as otherwise provided in this charter, he shall exercise all powers and perform all duties of a county

## ERIE COUNTY CHARTER

laboratory board. The county executive shall appoint a laboratory advisory board of nine members which shall at the request of the director, and may on its own initiative, advise on matters relating to laboratory facilities and services. The chairman of the board of health, the chairman of the hospital advisory board, the commissioner of health and the hospital superintendent shall be ex-officio members of such board. The five other members of such board at least two of whom shall be physicians licensed to practice in the state of New York, shall be appointed for five-year staggered terms.

Amended by Local Law No. 5-1989.

Amended by Local Law No. 5-1984.

Amended by Local Law No. 9-1972.

Section 1604 **REPEALED** by Local Law No. 4-1967  
1967 Local Laws of Cities, Counties, Towns and Villages.

Section 1605. Traffic safety advisory board. The county executive shall appoint a traffic safety advisory board which shall at the request of the commissioner of public works, and may on its own initiative, advise on matters relating to traffic safety in the county.

Amended by Local Law No. 6-1972.

Amended by Local Law No. 1-1964

1964 Local Law of Cities, Counties, Towns and Villages.

Section 1606. Probation department; director. There shall be a department of probation headed by a director of probation, who shall be appointed by the county executive, subject to confirmation by the county legislature and who shall have the powers and duties provided by law.

Amended by Local Law No. 2-1987.

Section 1607. Other boards; how appointed. The alcoholic beverage control board, the board of trustees of the Buffalo and Erie county public library, the board of trustees of the Erie county technical institute, the fire advisory board and the vocational education and extension board shall continue as provided by law except that the power of appointment residing in the county legislature or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised on and after January first, nineteen hundred and sixty-one, by the county executive, subject to confirmation by the county legislature. The appointment of any head, board or agency in relation to a county sewer, water, drainage or small water shed protection district or to any other county district of a similar nature shall be by the county executive and shall be subject to confirmation by the county legislature. Except as otherwise provided in this charter or the administrative code, other appointments to boards and like units shall be made in the manner provided by applicable law.

Section 1608. Additional appointments by county executive. The county historian, the superintendent of the Erie county correctional facility, the veterans' service officer and the head of any other county administrative unit, except as otherwise provided in this charter, shall be appointed by the county executive, subject to confirmation by the county legislature. All such appointees shall serve at the pleasure of the county executive.

NEW section 1608 Added by Local Law No. 3-1978.

Former section 1608 **REPEALED** by Local Law No. 3-1978.

NEW section 1608 Added by Local Law No. 17-1973.

Former section 1608 **REPEALED** by Local Law No. 17-1973.

NEW section 1608 Added by Local Law No. 15-1973.

Former section 1608 **REPEALED** by Local Law No. 15-1973.

Amended by Local Law No. 9-1972.

Amended by Local Law No. 1-1964

1964 Local Laws of Cities, Counties, Towns and Villages.

Section 1609. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this charter or the administrative code shall be assigned by the county executive to an administrative unit under his supervision.

Section 1610. Erie and Niagara counties regional planning board. The county executive shall, subject to confirmation by the county legislature, appoint all Erie county members of the Erie and Niagara counties regional planning board, notwithstanding any inconsistent provisions of any general or specific law. "There shall be no ex-officio members of such board."

Added by Local Law No. 1-1974.

## ERIE COUNTY CHARTER

Section 1611. Support of public libraries. a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county legislature, the transfer of any county appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie county legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie county budget.

Added by Local Law No. 7-1992.

Section 1611, Erie County Home Commission, Added by Local Law No. 9-1989, REPEALED by another Local Law No. 7-1995.

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## **ERIE COUNTY CHARTER**

### **ARTICLE XVI-A ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

- Section 1620. Declaration of policy.  
1621. Establishment of the Erie county environmental management council; membership.  
1622. Powers, duties and functions of the council.  
1623. Compensation and expenses.  
1624. Effective date.

Section 1620. Declaration of policy. The legislature hereby finds and declares that the management and conservation of our environment is essential to the health and well-being of the people of the county. Local understanding of the importance of all aspects of the environment is necessary for the most wise and balanced use of our natural resources. Local and inter-municipal participation is imperative in the planning and control of activities which influence the ecological balance of the county and the natural and functional beauty of its surroundings.

The legislature, therefore, deems it in the best interest of the county that a county environmental management council be responsible for reviewing and advising local and state government on present and proposed methods and plans for preserving, enhancing, and using the environment for the protection and benefit of all the people, and for fostering unified action on environmental problems among local governments and among public and private agencies and organizations operative within the county.

Section 1621. Establishment of the Erie county environmental management council; membership. There is hereby established, pursuant to article nineteen of the conservation law and the municipal home rule, a county environmental management council, to be known as the Erie county environmental management council, hereinafter called the council. The council shall be appointed by the county executive, subject to the confirmation of the legislature, and shall consist of twelve members at large and one member recommended to the county executive by and from each town, village or city environmental or conservation management council established by the official governing body of such town, village or city. The term of all members shall be two years. Vacancies on the council shall be filled in the same manner as the original appointment except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term. In addition, the commissioner of environment and planning, the commissioner of health, and are representative of the Erie and Niagara counties regional planning board shall be ex-officio voting members of the council.

The county executive shall appoint one member of the council as chairman thereof. The council shall meet at least four times each year. The council shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file the annual report and plan as provided in section sixteen hundred twenty-two of this law.

Amended by Local Law No. 2-1977.

Amended by Local Law No. 16-1974.

Amended by Local Law No. 1-1972.

Section 1622. Powers, duties and functions of the council. The council shall review the state of the county environment as a whole, and shall present a preliminary report of its findings to the county executive and the legislature on or before September first, nineteen hundred seventy one and a full report annually thereafter. The council shall cooperate with the planning commissioner in annually preparing a plan for the protection of the county's environment and the management of its natural resources, and shall transmit it to the county executive and the legislature. The council shall investigate and recommend to the county executive and the legislature ecologically sound methods of planning the use of the county's resources.

## ERIE COUNTY CHARTER

The council shall investigate all of the operations of county government in its various departments with respect to the environment and ecology of the county, analyze such investigation, and within three months after its creation report to the county executive and the legislature the feasibility and the advisability of creating in the county of Erie a department of environmental conservation to which all of the presently scattered activities with respect to the environment and ecology would be transferred for administration in a manner similar to that of the New York state department of environmental conservation.

The council shall prepare and keep current an index of all open areas within the county, including but not limited to those open land areas, scenic and natural features, natural areas, shorelines, marshlands, swamps, and other wetlands in the county and including such lands owned by any municipality within the county, for the purpose of obtaining information pertinent to the preservation, enhancement, and use of such areas. The council may recommend to the county executive and legislature a program for the protection, preservation, and use of such areas.

The council shall advise and make recommendations to the county executive and the legislature as they may direct or as may be deemed appropriate on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the county insofar as they have a bearing on environmental quality and on the effects of man's activities and development on environmental quality.

The council shall develop, recommend and assist in the conduct of a program of public information in the county which shall be designed to increase understanding of the environmental problems and issues and to foster support for their solutions.

The council shall develop, recommend and assist in the conduct of a program to improve the coordination and effectiveness of public and private projects and activities in the county in accord with the purposes of this law, working in cooperation with the environmental or conservation commissions in the cities, towns, and villages within the county and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action.

The council shall maintain liaison with local and regional planning agencies, regional water resources planning and development boards, environmental management councils or their equivalents in counties adjacent to the county of Erie, and other such public and private regional bodies in the United States and Canada affecting the conservation of environmental quality, with the purpose of improving coordination of planning and activities.

To assist in carrying out the aforementioned functions the council may:

- a. Conduct or recommend studies, surveys and inventories as are in accord with the general purposes of this law, and do so with appropriate coordination with existing or prospective work of a similar nature performed by federal, state, county, municipal, or private agencies and organizations.
- b. Cooperate with and assist such other governmental or non-governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county executive or legislature may direct.
- c. Advertise, prepare, print, and distribute books, maps, charts, and pamphlets if in its judgment and within appropriations therefor it deems them necessary for its work.
- d. Hold public and private hearings for specified purpose of this law.
- e. Report its findings to the county executive, county legislature, public and private agencies and organizations, and interested private citizens.

Section 1623. Compensation and expenses. Unless otherwise provided by recommendations of the county executive and resolution of the legislature, the members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.

Section 1624. Effective date. This local law shall take effect immediately.  
Added by Local Law No. 3-1971.



ARTICLE XVI-B

ERIE COUNTY CONSUMER PROTECTION COMMITTEE

Section 1630. Establishment, powers and duties.

1631. The county executive.

1632. Membership.

1633. Executive director.

1634. Effective date.

Section 1630. Establishment, powers and duties. There is hereby created, the Erie county consumer protection committee, hereinafter called the committee. The committee:

1. Shall undertake activities to encourage business and industry within the county to maintain high standards of honesty and fair business practices, and to act responsibly in the production, promotion and sale of consumer goods and services, in the extension of credit and in the collection of consumer debts;

2. Shall investigate and analyze resources and services available to consumers within the departments of Erie county government and programs funded by Erie county and shall recommend measures to coordinate, consolidate or expand these resources and services to provide maximum efficiency and effectiveness;

3. May conduct investigations, research studies and analysis of matters affecting the interests of Erie county consumers;

4. May obtain and assemble statistical data reflecting consumer and business trends, and incidence of consumer abuses;

5. Shall increase consumer awareness and competence through the development of educational programs emphasizing preventive education, the creation and distribution of publications, the use of communications media and a speakers bureau;

a. may formulate and publicize a comprehensive program for the most efficient consumer utilization of the specialized resources of public agencies within the county and may encourage private organizations to formulate and publicize a comprehensive program for the most efficient consumer utilization of the specialized resources of private organizations within the county;

6. May represent consumer interests before administrative and regulatory agencies and legislative groups;

7. Shall assist, advise and cooperate with federal, state, county, and local government agencies and public and private organizations to protect and promote the interests of the consumer;

a. may foster a united consumer effort through communication and cooperation with private organizations and individuals in the county;

b. may coordinate private and/or public efforts and encourage consumer support on particular issues, and may cooperate with and encourage similar state and national efforts;

8. Shall cooperate in the enforcement of federal, state and local laws, codes, rules and regulations for consumer protection, and may recommend amendments to or innovations in such laws, codes, rules and regulations including the creation of consumer forums;

a. may cooperate with public agencies and private organizations in the development of standards and quality grades for consumer goods and services;

b. may evaluate the impact of new or amended federal, state or local consumer protection legislation codes, rules, or regulations upon existing laws, codes, rules and regulations and may recommend to the proper legislative bodies or regulatory agencies, appropriate amendments;

c. may study, analyze and conduct research on the operation of consumer laws, codes, rules and regulations in other jurisdictions.

9. Shall monitor the operation and progress of public and private agencies and organizations charged with the detection of consumer abuses and/or enforcement of consumer remedies;

a. shall report to appropriate law enforcement and regulatory agencies, information concerning alleged, suspected or ascertained violation of consumer protection laws, and fraudulent, deceitful or injurious business practices within the county;

## ERIE COUNTY CHARTER

b. shall, within six months from the date of enactment of this legislation, survey all agencies and organizations which receive, investigate or act upon consumer complaints and report to the county executive and the county legislature, its findings as to the jurisdiction, responsibility, authority, mode of operation and efficacy of such agencies and organizations;

c. shall recommend how these agencies and organizations may be assisted in fulfilling their responsibilities, expectations or legal mandate. The committee's recommendation may include proposals for funding, making service contracts, expanding, reorganizing or establishing governmental units and foretaking any other measures designed to provide full consumer protection to the citizens of Erie county;

d. upon the ascertainment of an area where the making of a recommendation to such an agency or organization is necessary, and consistent with existing laws, the committee shall have the duty to execute the steps which will accomplish the goal of full consumer protection and shall be able to negotiate and contract directly with any agency, organization or individual for services which will accomplish the aforestated goal;

10. Shall submit an annual report of its activities and recommendations to the county executive and county legislature, and may submit to the county executive and the county legislature interim reports and recommendations.

11. Shall have a minimum of nine public meetings each year at which meetings the business of the committee shall be conducted.

12. May exercise and perform such other powers, duties and functions consistent with existing laws, which it deems necessary and appropriate to protect and promote the welfare of Erie county consumers.

Section 1631. The county executive. To effectuate the purpose of this article, the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as will enable the committee to properly effectuate its powers and duties.

Section 1632. Membership. The committee shall consist of nineteen members, appointed by the county executive and subject to confirmation by the legislature.

The members appointed by the county executive pursuant to local law number twenty for nineteen hundred seventy-three shall continue to serve as follows: the members appointed to serve terms ending December thirty-first, nineteen hundred seventy-four shall continue to serve until December thirty-first, nineteen hundred seventy-five; the members appointed to serve terms ending December thirty-first, nineteen hundred seventy-five shall continue to serve until December thirty-first, nineteen hundred seventy-six.

Thereafter, all appointments shall be two year terms.

The county executive shall, after consultation with the committee, fill any vacancy by appointment within thirty days of the occurrence of said vacancy. Any vacancy occurring other than by membership term expiration shall be filled by the county executive by appointment for the unexpired term.

The county executive shall designate one member to serve as committee chairman. Upon the expiration of the term of membership of a chairman, or in the event of a vacancy occasioned other than by expiration of membership term in the office of chairman, the county executive shall appoint a successor to that office from the committee membership.

A member may resign by giving written notice to the county executive and to the committee's executive director.

The committee shall promulgate such bylaws as are necessary to fulfill its responsibilities.

Pursuant to section 19.02 of the county administrative code, no member shall receive compensation for services rendered the committee, but each member shall be reimbursed for actual and necessary expenses incurred in the performance of his duties.

Section 1633. Executive director. There is hereby created in the office of the county executive, an executive director of the Erie county consumer protection committee, who shall be responsible to the committee. Upon review of the committee's recommendations regarding the selection of an executive director, the executive director shall be appointed by the county executive. The executive director shall be responsible to the committee for the administration of, and all of the committee's clerical work including the preparation of agendas, the distribution of minutes and the handling of correspondence; preparation and supervision of news and publicity releases, exhibits, displays, radio and television announcements, feature stories and other public relations material; work closely with federal, state, county, local, public and private consumer protection organizations and agencies; meet with various county and other governmental employees and officials and outside groups to carry out the policies of the

## ERIE COUNTY CHARTER

committee; edit and supervise the printing and distribution of committee publications; and perform such duties as are necessary to fulfill the committee's responsibilities. The executive director shall make such reports to the committee at a time and in a manner as are deemed necessary or desirable by the committee.

Section 1634. Effective date. This law shall take effect immediately.

NEW article XVI-B Added by Local Law No. 18-1974.

Former article XVI-B **REPEALED** by Local Law No. 18-1974.

Former article XVI-B Added by Local Law No. 20-1973.

## ARTICLE XVI-C

### ERIE COUNTY CITIZENS COMMITTEE ON RAPE AND SEXUAL ASSAULT

Section 1640. Establishment, powers and duties.

1641. The county executive.

1642. The sheriff.

1643. Membership; meetings.

Section 1640. Establishment, powers and duties. There is hereby created the Erie county citizens committee on rape and sexual assault, hereinafter called the committee. The committee shall:

1. Coordinate and execute a county-wide program following the guidelines of the comprehensive report submitted by the Erie county task force on rape and sexual assault, for the total consideration of dealing with offenses of rape and sexual assault; such programs to include, but not to be limited to, the basic areas of law enforcement, criminal justice, medical services, counseling services, training and education, and the total goal of which will be to provide for considerate regard of the victim, while bringing offenders to justice, together with a model educational and preventive program aimed at reaching both sexes and all age levels through a community education and information program.

2. Make recommendations to other agencies and organizations for changes in procedures and functions which will provide for a unity of approach, procedure, training, public education, and information, for the accomplishment of its goals.

3. Maintain a volunteer supportive advocate program. The volunteer supportive advocate program provides immediate support to victims of sexual assault at the hospital and courts. In order to maintain this program the commissioner of mental health shall provide for a half time coordinator of the volunteer supportive advocate program either through a position in his department, or through an appropriate agency which provides mental health services to the residents of Erie county pursuant to contract with the county. The commissioner shall appoint the coordinator from a list of qualified candidates submitted by the committee. Each such candidate shall either be an employee of the county or an employee of a mental health contract agency. If the half time coordinator position for the volunteer supportive advocate program is provided through a mental health contract agency, the agreement with that agency shall be submitted to the committee for review and comment prior to the execution thereof.

4. Evaluate the work of the various community and governmental agencies charged with the administration of the programs previously instituted by the committee set forth in 1 and 2 above. The committee shall advise either the county executive or sheriff of the results of these evaluations and if during the evaluation process it appears that the committee's goals and objectives for a comprehensive sexual assault program have not been met the committee may request action of the county executive or the sheriff in implementing recommendations.

Section 1641. County executive. To effectuate the purposes of this article, the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as he feels can reasonably be provided and should be provided to properly effectuate the goals of the committee.

The county executive will appoint a person to serve as a liaison between the committee and the county executive. The responsibilities of this person shall include but not be limited to providing the committee with information with respect to the functionings of the county government insofar as they relate to the business of the committee.

Section 1642. Sheriff. The sheriff will appoint a person whose function will be to serve as liaison between the committee and the Erie county sheriff's department. The responsibilities of this person shall include but not be limited to providing the committee with information with respect to the functionings of the Erie county sheriff's department insofar as they relate to the business of the committee.

## ERIE COUNTY CHARTER

Section 1643. Membership; meetings. The committee shall consist of twenty members. Ten members shall be appointed by the county executive subject to confirmation of the county legislature, and ten appointed by the Erie county sheriff, subject to the confirmation of the county legislature.

Upon the occurrence of a vacancy for whatever reason, the chairperson of the committee shall notify the clerk of the Erie county legislature. A vacancy occurring for reasons other than expiration of a term of a member shall be filled by appointment by the original appointing officer for the unexpired term, subject to confirmation by the county legislature. All vacancies occurring on the committee shall be filled by the original appointing officer within thirty days of the occurrence of the vacancy.

A committee member may resign by giving written notice to the official by whom he/she was appointed and to the chairperson of the full committee.

A committee shall annually by majority vote of its membership designate a chairperson, vice-chairperson and secretary.

The committee shall meet at least four times each year with at least one meeting to be in each quarter of the year. The committee shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file an annual report with the county executive, the Erie county sheriff and the county legislature. In regard to any member of the committee who may have been appointed to the committee under any provisions of this article which were in effect prior to the enactment of the present provisions of this article, nothing herein shall be construed to require the termination of the term of any such member prior to the date on which such term would otherwise have expired.

NEW Article XVI-C Added by Local Law No. 4-1977.

Former article XVI-C **REPEALED** by Local Law No. 4-1977.

## ARTICLE XVI-D

### ART AND CULTURE IN PUBLIC PLACES BOARD

Section 1645. Legislative findings and declaration of policy.

1646. Art and culture in public places board.

1647. Duties.

1648. Effective date.

Section 1645. Legislative findings and declaration of policy. It is hereby found that many of our citizens lack the opportunity to view, enjoy or participate, free of charge, in musical concerts, dance and ballet recitals, art exhibits, the theater, and other examples of cultural, historical and literary displays. It is hereby further found that, the practice and enjoyment of the arts and culture are of increasing importance and that the general welfare and quality of life of the people of Erie county will be promoted and enhanced by giving further recognition of arts and culture as a vital aspect of our community and heritage.

It is hereby declared to be the policy of the county of Erie to join with various groups, associations, organizations and institutions concerned with arts and culture to insure that the role of the arts in our county will continue to grow and will play an ever more significant part in the experience of area citizens.

Section 1646. Art and culture in public places board. There shall be an art and culture in public places board of the county of Erie consisting of nine members appointed by the county executive subject to confirmation by the Erie county legislature. Said members shall be broadly representative of all fields of culture and the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational, arts and cultural associations and groups, concerned with or engaged in the production or presentation of the various forms of art and culture.

Upon this law becoming effective, the county executive shall appoint three members of the board to serve a one year term, three members to serve two year terms, and three members to serve three year terms. Thereafter all appointments shall be for two year terms. The chairman of said board shall be named by the county executive and said chairman shall serve at the pleasure of the county executive.

Section 1647. Duties of the art and culture in public places board. The art and culture in public places board shall stimulate, encourage and coordinate the voluntary, year-round, presentation of the theater, art exhibits, cultural, historical and literary displays, musical concerts and dance and ballet recitals at all appropriate public

## **ERIE COUNTY CHARTER**

buildings and facilities under the direct jurisdiction of the county of Erie.

Section 1648. Effective date. This local law shall take effect immediately.

Added by Local Law No. 1-1977.

### **ARTICLE XVI-E\*** **CITIZENS SALARY REVIEW** **COMMISSION**

Section 1649. Establishment and membership.

1650. Duties of commission.

Section 1649. Establishment and membership. There is hereby established a citizens salary review commission, to be known as the citizens salary review commission of Erie county, herein after called the commission. The commission shall consist of nine members and it shall be representative of taxpayer, civic, labor, business, professional, financial and minority groups in the county of Erie. Six members of the commission shall be appointed by the county executive. Two of the members of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a majority of the legislature. One member of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a minority vote of the legislature.

Each executive and legislative appointment to the commission shall be for a full term of three years, except that the appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term, shall be made for the unexpired term. Each member shall continue to serve until the appointment and qualification of his successor. Vacancies shall be filled and the appointments of successors shall be made in the same manner as original appointments by the appointing authority responsible for the original appointment. The term of office of all members of the commission shall be deemed as commencing on July first, nineteen hundred eighty-six.

Section 1650. Duties of commission. Beginning on July first, nineteen hundred eighty-six, the commission shall review the salaries of all elected officials of the county of Erie, except for the district attorney, and report its recommendations to the county executive and the county legislature by September first of that year. The committee shall provide ample opportunity for public input prior to making its recommendations to the county executive and county legislature. Such a review of salaries set as forth above shall occur during every even year starting with nineteen hundred eighty-six.

Added by Local Law No. 6-1986.

\* See also article XVI-E, Erie County Commission on the Status of Women, Added by Local Law No. 3-1987.

### **ARTICLE XVI-E\*** **ERIE COUNTY COMMISSION ON** **THE STATUS OF WOMEN**

- Section 1. Legislative declaration of policy.
- 2. Establishment, powers and duties.
- 3. Membership, meetings.
- 4. The county executive.
- 5. Executive director.
- 6. Effective date.

Section 1. Legislative declaration of policy. It is hereby declared to be the policy of Erie county, New York, to eliminate discrimination in any form that may exist on account of gender; to fully utilize the potential of each citizen, regardless of gender, in order to preserve our democratic way of life; and to provide equal opportunities to all citizens, regardless of gender, in employment, education, health and mental health, housing, senior and social services, and before the law.

Section 2. Establishment, powers and duties. There is hereby created, the Erie county commission on the status of women, herein after called commission. The commission:

## ERIE COUNTY CHARTER

1. Shall develop an information system for services relating to the needs of women, and shall develop other networks and referral programs as necessary;

2. Shall investigate and analyze resources and services available for women within county government and programs funded by the county and shall recommend measures to coordinate, consolidate or expand those resources and services to provided maximum efficiency;

3. Shall strive to remove gender-based inequalities in such areas as housing, recreation, employment, education, health and mental health, senior, and social services and related matters through the development of educational programs and activities which emphasize women's rights, the creation and distribution of publications, and the use of meetings and conferences to promote equal rights and opportunities. The commission may formulate and publicize a comprehensive program in coordination with private organizations and other community groups and organizations to address the special concerns and rights of women within the county;

4. Shall conduct investigations, research studies and analysis of conditions which may result in unmet needs or in discrimination or prejudice because of gender;

5. Shall assist, advise and cooperate with federal, state, county and local governmental agencies and public and private organizations on matters involving the needs of women and gender discrimination, and shall recommend such procedures, programs, or legislation to promote equal rights and opportunities for all persons, regardless of gender;

a. In fulfilling this responsibility, the commission may evaluate the impact of new or amended federal, state or local legislation, rules or regulations, and programs, and may recommend to the proper legislative bodies or regulatory agencies appropriate amendments;

6. Shall submit an annual report of its activities and recommendations to the county executive and county legislature, and may submit such interim reports and recommendations as it deems necessary.

Section 3. Membership; meetings. The commission shall consist of fifteen members to be appointed by the county executive subject to confirmation by the county legislature. The county executive shall appoint to the commission at least two persons recommended by each of the majority and minority leaders of the legislature.

Nominations for the remaining positions shall be actively solicited from groups which represent and are active in the area of women's concerns. The following groups shall be considered for membership on the commission: the minority community, the volunteer community, the business community, labor organizations, senior citizens, single heads of households and other appropriate groups. In addition, the departments of health, mental health, senior services, social services, youth services, and the equal employment opportunity office shall each designate one person to serve as an ex-officio non-voting member of the commission. The membership of the commission shall reflect the diversity of women and their concerns in Erie county.

a. The term of office of each of the appointive members shall commence on July first of the year of appointment and shall be for a period of three years. At the expiration of a member's term, said member will be eligible to be reappointed for a second term of three years. No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each. Of the members first appointed, seven shall be appointed for terms which will expire in two years, and eight shall be appointed for terms which shall expire in three years.

b. The commission shall have a minimum of ten public meetings each year at which meetings the business of the commission shall be conducted.

c. Vacancies for unexpired terms shall be filled in the same manner as original appointments. The county executive shall submit the names of a successor for any unexpired term to the county legislature for confirmation within sixty days of the vacancy. Each member appointed to serve in the event of a vacancy will be eligible to serve the remainder of the unexpired term and shall be eligible at the end of the unexpired term to be reappointed pursuant to this article to serve two full terms commencing at the expiration of the initial term for which the appointment was first made.

d. The commission shall annually designate one member to serve as commission chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the commission shall appoint a successor to that office from the commission's membership.

e. A member may resign upon giving written notice to the commission's chairperson and the county executive.

f. The commission shall promulgate such by-laws as are necessary to fulfill its responsibilities under this article.

Amended by Local Law No. 7-1988.

Amended by Local Law No. 5-1993.

Section 4. The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit to provide such facilities, assistance and data as will

## **ERIE COUNTY CHARTER**

enable the commission to properly effectuate its powers and duties under this article.

Section 5. Executive director. There shall be, in the office of the county executive, an Erie county commission on the status of women, with a salaried executive director, who shall be responsible to the commission. Upon review of the commission's recommendations regarding the selection of an executive director, the county executive shall appoint an executive director. The executive director shall be responsible for the work of the commission. The office of the executive director shall be responsible for the commission's clerical work including the preparation of agenda, the distribution of minutes and the handling of correspondence, the preparation and supervision of the printing and distribution of commission publications, and shall perform such duties as are necessary to fulfill the commission's responsibilities. The executive director shall work closely with federal, state, county, and local governmental bodies, and public and private organizations respecting women's rights in order to carry out the policies of the commission. The executive director shall make such reports to the commission at such time and in such manner as are deemed necessary by the commission.

Section 6. Effective date. This law shall take effect immediately.

Added by Local Law No. 3-1987.

\* See also article XVI-E, Citizen's Salary Review Commission, Added by Local Law No. 6-1986.

## **ARTICLE XVI-F**

### **ERIE COUNTY COMMUNITY COORDINATING COUNCIL ON CHILDREN AND FAMILIES**

- Section 1. Legislative declaration of policy.
2. Establishment, powers and duties.
  3. Membership, meetings.
  4. The county executive.
  5. Staff.
  6. Effective date.

Section 1. Legislative declaration of policy. It is hereby declared to be the public policy of Erie county, New York, to take all proper measures to preserve and strengthen the family unit and to aid in the establishment of a nurturing environment to encourage the proper development of children.

To further this policy the Erie county government provides evaluation, treatment and preventative services to the children and families of Erie county.

The Erie county legislature finds that this policy and these services can be more effectively administered and efficiently delivered by systematic coordination among the local government, public-voluntary system of social, educational, health, mental health and other supportive and rehabilitative services to children and families.

The services system can be strengthened by:

1. Fostering cooperation among local government and both public and voluntary agencies to provide better coordination supervision of services to children and families.
2. Eliminating duplication of services where possible and maximizing service provisions through judicious use of tax dollars, grants and other funding mechanisms as may become available.
3. Stressing more meaningful accountability by providers, in all sectors, regarding the quality and quantity of services provided to children and families.
4. Improving methods of ascertaining community needs and setting program goals as they relate to services for children and families.

Section 2. Establishment, powers and duties. There is hereby created, the Erie county community coordinating council on children and families, hereafter called council. The council shall:

1. Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services.
2. Identify problems and deficiencies in existing services and recommend corrective action.
3. Improve coordination of program and fiscal resources within the children's services system.
4. Act as a liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.
5. Review and resolve administrative, and where appropriate, regulatory differences between agencies.

## ERIE COUNTY CHARTER

6. Develop long-range plans to improve services to children and families. This should be accomplished through a five year comprehensive service plan similar to those utilized by county departments.
7. Act as a forum for community discussion of issues pertaining to services for children and families.
8. Carry out any and all activities deemed necessary to accomplish the goals of the council as stated herein.

Section 3. Membership; meetings. The council shall consist of the following members: the Erie county commissioners of youth, social services, health and mental health, the director of the office for the disabled and the chief clerk from the Erie county family court, three consumer/client representatives, and five representatives from local charitable and/or community-based organizations concerned with children and families, the director of the office of probation, one representative from a suburban school district and two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and four members of the business community.

The legislature shall appoint the eight community representatives and two representatives of the business community as follows: six to be named by the majority and four to be named by the minority. Five of these members shall serve two year terms and five shall serve three year terms. These members can only be reappointed once.

The county executive shall appoint the one representative from a suburban school district and the two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and two representatives of the business community.

The chair shall be appointed by the county executive and confirmed by the legislature, and shall not be one of the twenty-four members previously stated.

The council shall have the authority to appoint ad hoc council members to advise them, as they may deem necessary.

The council shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The council shall adopt rules and procedures for its meetings; shall keep accurate records of its meetings and activities, and shall file an annual report with the county legislature and the county executive.

The council shall convene for its first meeting in the quarter of the year in which they are appointed. The council shall present its first report to the legislature before adoption of the annual budget in the year they are appointed, and every year thereafter on June first.

The annual report shall include the methodology for acquiring accurate statistics, which the council will use to evaluate and plan for services. Also, they should report any short-term budget recommendations for the nineteen hundred ninety-three budget.

The council shall then make yearly budget recommendations and five-year service plans.

Section 4. The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit or any agency or organization receiving county funding, to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 5. Staff. The council shall be provided with a coordinator, under the auspices of the county executive to serve the council in capacities which include managing the correspondence of the council; providing a schedule of meeting dates; distributing a calendar of information on programs and events members may be interested in attending. The coordinator shall also serve as research assistant, and coordinate and implement the use of the monitoring mechanism, so that the council shall have service and program data to use in its planning efforts.

The council and its coordinator shall also have access to secretarial staff as needed to complete its tasks.

Section 6. Effective date. This law shall take effect immediately.

Amended by Local Law No. 3-1992.

Amended by Local Law No. 7-1990.

Added by Local Law No. 4-1988.



## **ERIE COUNTY CHARTER**

### **ARTICLE XVII SERVICE RELATIONSHIPS WITH LOCAL MUNICIPALITIES**

Section 1701. Local government functions, facilities and powers not transferred, altered or impaired.

1702. Contracts with public corporations.

Section 1701. Local government functions, facilities and powers not transferred, altered or impaired. This charter shall not transfer, alter or impair any function, facility or power of any city, town, village, school district or other district.

Section 1702. Contracts with public corporations. The county of Erie shall have power to contract with any municipality or public authority situated within or adjacent to the county, or with any combination of such municipalities or public authorities, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. A municipality or authority receiving the benefit of a facility or service provided under any such contract shall bear all the costs and expenses occasioned by the provision thereof for such municipality or authority, including but limited to a just proportional charge for central facilities and central or administrative services related thereto.

### **ARTICLE XVII-A NARCOTICS CONTROL**

Section 1720. Narcotics enforcement board.

1721. Duties.

1722. Narcotics guidance council.

1723. Duties.

Section 1720. Narcotics enforcement board. There shall be a narcotics enforcement board of the county of Erie consisting of four members appointed for a term of three years by the county executive subject to confirmation by the Erie county legislature plus the sheriff of Erie county who shall serve ex-officio. Said members shall be selected from chiefs of police of the various police departments within the county of Erie or persons with significant experience in law enforcement. The chairman of said board shall be named by the county executive and said chairman shall serve at the pleasure of the county executive.

Section 1721. Duties of narcotics enforcement board. The narcotics enforcement board shall coordinate the control of the illegal use of narcotics within the county of Erie. It shall discuss and disseminate to every police department within the county new laws and recommendations for change in the law relating to the use of narcotics. It shall serve generally to control illegal activities in narcotics which cross jurisdictional lines of police enforcement.

Section 1722. Narcotic guidance council. There shall be a narcotic guidance council of the county of Erie consisting of five members appointed for a term of three years by the county executive subject to confirmation by the Erie county legislature. The chairman of said board shall be named by the county executive and shall serve at his pleasure.

Section 1723. Duties of the narcotic guidance council. The narcotic guidance council shall direct itself toward accomplishing the following:

a. Make immediately available to the community, basic knowledge acquired in the field of drug use especially by youth;

b. Create a climate in which persons seeking assistance in coping with narcotics problems can meet, without embarrassment, with responsible individuals or agencies in a position to render assistance;

c. Authorize persons approved by the council to contact and counsel persons within the community suspected of using narcotics or those persons allegedly having knowledge of such usage; and

## ERIE COUNTY CHARTER

d. Cooperate with other narcotic guidance councils and with the state, and federal narcotics commissions and agencies in bringing local and community trouble areas to their attention.

Added by Local Law No. 1-1970

1970 Local Laws of Cities, Counties, Towns and Villages.

## ARTICLE XVIII FINANCIAL PROCEDURES

Section 1801. Fiscal year.

1802. Tentative budget and capital program by county executive.

1803. Adoption of budget.

1804. Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued.

1805. Appropriations; supplemental and emergency.

1806. Appropriations; reductions and transfer after budget adoption.

1807. Certain resolutions of county legislature subject to executive veto.

1808. Certain obligations and payments prohibited.

1809. Erie county budget act **repealed**.

1810. NEVER ENACTED.

1811. Limitation on county real estate taxes.

1812. Imposition and increases in other county taxes and fees.

1813. Audit committee.

Section 1801. Fiscal year. The fiscal year of the county shall begin with the first day of January and end with the last day of December in each year.

Section 1802. Tentative budget and capital program by county executive. On or before the tenth day of November of each year the county executive shall submit to the county legislature a tentative budget for the ensuing fiscal year, a capital program for the next six fiscal years, and an accompanying message.

Amended by Local Law No. 6-1961

1961 Local Laws of Cities, Counties, Towns and Villages.

Section 1803. Adoption of budget.

A. The county legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the budget committee to the county legislature concerning amendments to the county executive's tentative budget shall be presented to the legislature and laid on the table at least forty-eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the budget committee report, and less than forty-eight hours prior to the annual meeting, shall be considered separately and voted on individually on the floor of the legislature.

NEW subsection A. Added by Local Law No. 1-1978.

Subsection A. **REPEALED** by Local Law No. 1-1978.

B. If the budget is passed by the county legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the county executive; if, however, the budget as passed by the county legislature contains any such additions or increases, the same shall be presented by the clerk of the legislature to the county executive not later than the Wednesday following the first Tuesday in December, for his consideration of such additions or increases. If the county executive approves all additions and increases, he shall affix his signature to a statement thereof and return the budget and such statement to the clerk of the legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.

NEW subsection B. Added by Local Law No. 1-1978.

Subsection B. **REPEALED** by Local Law No. 1-1978.

C. The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he objects with the reasons for his objections, and shall return the budget with his objections to the clerk of the county legislature who shall present the

## ERIE COUNTY CHARTER

same to the county legislature on or before the Monday preceding the second Tuesday in December. The county legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two-thirds of all members of the county legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted.

NEW subsection C. Added by Local Law No. 1-1978.

Subsection C. **REPEALED** by Local Law No. 1-1978.

D. If a budget with additions or increases is not returned by the county executive to the clerk of the legislature with his objections on or before the Monday preceding the second Tuesday in December, it shall be deemed adopted.

NEW subsection D. Added by Local Law No. 1-1978.

Subsection D. **REPEALED** by Local Law No. 1-1978.

E. If a budget has not been adopted, as herein provided, on or before the second Tuesday of December in each year, then the tentative budget as submitted by the county executive, plus all additions and increases to which he has failed to object, shall be the budget for the ensuing fiscal year.

NEW subsection E. Added by Local Law No. 1-1978.

Subsection E. **REPEALED** by Local Law No. 1-1978.

F. Four copies of the budget as adopted shall be certified by the county executive and by the clerk of the county legislature. One such copy shall be filed in the office of the county executive, and one each in the offices of the county comptroller, the commissioner of finance and the clerk of the county legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

G. In the year nineteen hundred eighty-four the county legislature may consider and act on the budget for up to three days after the legislature of the state of New York shall adjourn, but in no event beyond the second Tuesday in December, whichever date shall first occur, except as specified in this subdivision. If the budget as passed by the county legislature contains any additions or increases, the same shall be presented by the clerk of the legislature to the county executive not later than the fourth day after the adjournment of the state legislature or the Wednesday following the second Tuesday in December, whichever shall first occur, for his consideration of such additions or increases. If the county executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget and such statement to the clerk of the legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted. If the county executive objects to one or more of such added or increased items, he shall append a statement to the budget as provided by subdivision C of this section and return the budget with his objections to the clerk of the county legislature, who shall present the same to the county legislature on or before the ninth day following the adjournment of the state legislature or the Monday preceding the third Tuesday in December, whichever shall first occur. The county legislature shall there upon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two-thirds of all members of the county legislature vote to approve such additions and increases or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted. If the budget with the additions or increases is not returned by the county executive to the clerk of the legislature with his objections on or before the ninth day following the adjournment of the state legislature or the Monday preceding the third Tuesday in December, whichever is earlier, it shall be deemed adopted. If a budget has not been adopted as provided in this section on or before the tenth day following the adjournment of the state legislature of the third Tuesday of December, whichever is earlier, then the budget for nineteen hundred eighty-five shall be the budget as provided for in subdivision E of this section. In no event shall any action concerning the budget be mandated by this subdivision to take place earlier than the dates specified in other subdivisions of this section.

Subdivision G. Added by Local Law No. 9-1984.

Effective only during 1984.

Section 1804. Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued. The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the county legislature on the taxable real property of the several tax districts of the county. The tax levy for state and county purposes shall include, in addition to the amount of state taxes to be raised and the net county tax requirement as above determined, an amount to be known as "reserve for uncollected taxes" which shall be a county charge. The county legislature shall fix the amount of such reserve at such a sum as they may deem sufficient to produce in cash from the collection of taxes and other

## ERIE COUNTY CHARTER

revenues during the year moneys required to meet the estimated expenditure of such year, provided, however, that such reserve shall be not less than the face amount of taxes for the preceding completed fiscal year on real estate sold for such taxes bid in by the county but not redeemed at the end of such preceding completed fiscal year. Except as otherwise provided in this charter, the Erie county tax act, being chapter eight hundred twelve of the laws of nineteen hundred forty-two as amended, shall remain in full force and effect.

Section 1805. Appropriations; supplemental and emergency. If during any fiscal year there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the county legislature may make supplemental appropriations for the year up to the amount of such additional revenues.

To meet a public emergency affecting life, health or property, the county legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the county legislature may authorize the issuance of budget notes or notes in anticipation of the collection of taxes or revenues.

Section 1806. Appropriations; reductions and transfer after budget adoption. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the county executive shall report to the county legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. The county legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated.

The county executive may at any time during the fiscal year transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the county legislature shall be required if the proposed transfer (1) would result in an increase exceeding one thousand dollars (\$1,000), or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total. If the county executive requests in writing, the county legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 1807. Certain resolutions of county legislature subject to executive veto. A resolution of the county legislature for any of the following specified purposes shall be submitted to the county executive for his approval or veto in the same manner as provided in this charter for the adoption of ordinances: (a) an allocation from the budget contingency fund; (b) a supplemental or emergency appropriation; (c) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues; and (d) the issuance of bonds, anticipation notes or capital notes.

Section 1808. Certain obligations and payments prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local financed law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

Section 1809. Erie county budget act repealed. the Erie county budget act, being chapter three hundred eighty-three of the laws of nineteen hundred forty-four as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1810 Never Enacted.

Section 1811. Limitation on county real estate taxes. Hereafter, the amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to one per centum of the average full valuation of all of taxable real estate within the county, less the amount to be raised by tax on real estate in such year for the payment of the interest on and redemption of certificates or other evidence of indebtedness described in paragraphs A & D of section five of article eight of the constitution of the state of New York.

The average full valuation of taxable real estate shall be determined pursuant to section ten of article eight of the constitution of the state of New York.

Added by Local Law No. 10-1978.

Section 1812. Imposition and increases in the other county taxes and fees. Hereafter, no new form of county tax maybe imposed, and the county of Erie's three per centum sales and use tax and fees or charges established by

## ERIE COUNTY CHARTER

the county legislature shall not be increased except by a resolution approved by: (a) the affirmative vote of two-thirds of the whole number of the membership of the county legislature, or, (b) the affirmative vote of a majority of the whole number of the membership of the county legislature submitting a proposition for such imposition or increase to a mandatory referendum to be held pursuant to article three of the county law.

Added by Local Law No. 11-1978.

### Section 1813. Audit committee

A. There is hereby created and established an audit committee for the county of Erie consisting of the following five members appointed for the following terms:

a. One majority member of the county legislature to be appointed annually by the majority members of the legislature.

b. One minority member of the county legislature to be appointed annually by the minority members of the legislature.

c. The county legislature shall consider at least three qualified candidates which have been recommended by the Erie county bar association and shall initially appoint one of these nominees for a one year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

d. The county legislature shall consider at least three qualified candidates which have been recommended by the western New York chapter of the New York state association of certified public accountants and shall initially appoint one of these nominees for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

e. The county legislature shall consider at least three qualified candidates which have been recommended by the bank administrative institute and shall initially appoint one of these nominees for a three year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

No appointee may serve for more than two terms. Each appointee may be removed only for cause by the respective appointing authorities. Vacancies shall be filled by members appointed by whomever made the initial appointment. A member appointed to fill a vacancy shall serve for the duration of the expired term.

B. The members of the audit committee shall annually elect their own officers. Members of the county legislature shall not be eligible to hold such offices. The audit committee shall meet at least four times a year and shall maintain recorded minutes of all of its meetings.

C. The audit committee shall be responsible for issuing requests for proposals from certified public accounting firms for the preparation of an annual audit report and accompanying management letter for the county of Erie, an annual audit report and accompanying management letter for the Erie county medical center, an annual audit report and accompanying management letter for the home and infirmary and an annual report and accompanying management letter for the Erie community college. The audit committee may issue a request for proposal (RFP) to have the same certified public accounting firm contract with the county of Erie for two or all four of the aforementioned audit reports and management letters, or it may issue a separate RFP for each of the four aforementioned audit reports and accompanying management letters. Any request for proposal issued by the audit committee shall be in writing and shall be widely distributed among certified public accounting firms. Such requests for proposals shall contain all pertinent information concerning each proposed audit report and management letter contract, including the date upon which the contract is to commence, a description of the work to be performed, any particular or unique specifications required, the fiscal year(s) for which the audit reports and the management letter(s) are to be prepared and the date(s) by which the audit report(s) and accompanying management letters shall be completed and formally submitted to the county legislature and county executive.

The audit committee shall review and evaluate the responses to each RFP it issues and it shall prepare in writing a comparison of all certified public accounting firms which responded showing (a) what special skill or service will be provided; (b) the qualifications of the firm; (c) the expertise of the firm; and (d) the total estimated cost, or rate for providing services. The audit committee shall prepare a written report on the results of each RFP it issues. Such report shall be submitted to the clerk of the county legislature at least three months prior to the commencement of the proposed annual audit and management letter contract and it shall contain the results of the audit committee's evaluation of all responses to the RFP, as well as the name of the certified public accounting firm which it is recommending to perform the proposed audit report and management letter contract.

The audit committee shall be responsible for meeting with the certified public accounting firm(s) which are awarded audit and management letter contract(s) for the county of Erie, the Erie county medical center, the home and infirmary and the Erie community college to discuss in detail the scope of such contracts and all matters related

## ERIE COUNTY CHARTER

to them.

Within forty-five days of the publication of a finalized audit report and accompanying management letter, the audit committee shall submit to the county executive and the county legislature a written report containing its findings, comments and recommendations with respect to each such report.

The audit committee shall be responsible for monitoring the implementation of the recommendations which are contained in the management letters that are issued for the county of Erie, the Erie county medical center, the home and infirmary and the Erie community college.

Section 1813 Amended by Local Law No. 4-1989.

Section 1813 Added by Local Law No. 1-1985.

## ARTICLE XIX

### GENERAL PROVISIONS

- Section 1901. Administrative unit defined; administrative and advisory boards.
1902. Approval of contracts.
1903. Civil service rights continued; status of certain county officers previously appointed; removal of certain county officers hereafter appointed.
1904. **REPEALED.**
- 1904-A. Filling vacancy in elective office of county executive or comptroller.
- 1904-B. Filling vacancy in elective office of county legislator.
1905. Filling vacancy in elective office of county clerk, district attorney or sheriff.
1906. Power to administer oaths and issue subpoenas.
1907. Charter revision commission.

Section 1901. Administrative unit defined; administrative and advisory boards. "Administrative unit" shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing.

The board of trustees of the Buffalo and Erie county public library and the board of trustees of the Erie county technical institute shall continue to be administrative boards heading the respective administrative units. Every other board, all appointive members of which are appointed by the county executive, shall be an advisory board. An advisory board shall have no administrative or appointive powers but, when requested by the county executive, shall assist him in the recruitment of candidates to fill a vacant position as head of the respective administrative unit.

Except as otherwise provided in this charter, advisory boards shall consist of such numbers and the members thereof shall be appointed for such terms as may be provided in the administrative code. In the absence of any such provision, the number of members shall be not less than five nor more than fifteen as determined by the county legislature and appointments shall be for five-year staggered terms. Initial appointments shall be for such periods as will result, as nearly as practicable, in the same number of term expirations each year. If a vacancy occurs other than by the expiration of a term, appointment to fill such vacancy shall be for the unexpired portion of such term.

Before approving or vetoing any local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the county executive shall refer such local law or ordinance to such advisory board for consideration and recommendation.

It shall be the duty of each advisory board to study conditions in its respective field, with particular reference to the policies and programs in Erie county, and to report its findings and recommendations to the county executive, who shall forward the same together with any comments he may choose to make, to the county legislature.

Section 1902. Approval of contracts. Except as otherwise provided in this charter, or the administrative code, any contract to which the county is a party shall require approval by the county legislature, if said contract is for: (a) the sale or purchase of real property; (b) the erection, alteration or demolition of a building or other structure; (c) professional, technical or other consultant services; or (d) the provision of facilities or the rendering of services by or for any other unit of government. Contracts for professional, technical or other consultant services under this section shall be subject to the informal requirements as provided in the administrative code.

The county executive shall execute all contracts on behalf of the county, except as otherwise provided in the administrative code.

## ERIE COUNTY CHARTER

Section 1902 Amended by Local Law No. 6-1983.

Section 1903. Civil service rights continued; status of certain county officers previously appointed; removal of certain county officers hereafter appointed. The civil service status and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this charter. The terms of all county officers whose appointment under this charter is vested in the county executive shall terminate with December thirty-first, nineteen hundred sixty; provided that any such officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made. Provided, further, that the term of the appointive comptroller shall terminate with December thirty-first, nineteen hundred sixty-one. Any county officer appointed by the county executive for the term or balance thereof of such executive may be removed, prior to the end of such term, after written notice from the county executive. Upon written request, such county officer shall be given an opportunity to be heard by a board of review consisting of (1) the county executive, (2) the chairman of the county legislature, and (3) the comptroller. Upon such hearing, removal shall be effected only by a two-thirds vote of such board of review.

Section 1904 **REPEALED** by Local Law No. 14-1973.

Former section 1904 Amended by Local Law No. 1-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Section 1904-A. Filling vacancy in elective office of county executive or comptroller. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same political affiliation as the person last elected to such office. A vacancy occurring in such office as the result of the removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any.

Added by Local Law 14-1973.

Section 1904-B. Filling vacancy in elective office of county legislator. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county legislator, shall be filled by appointment by a majority vote of the members of the county legislature of the party with which the person last elected to such office identified for the purpose of selecting a majority and minority leader. A vacancy shall be included in the total count of which there is to be a majority vote. However, when the number of vacancies is such that there are not enough incumbents remaining in the party having the vacancies to total a majority of the number of members of the party as it existed before the vacancies occurred, then the vacancy or vacancies shall be filled by an unanimous vote of the remaining members of said party. The person newly appointed shall be a qualified elector of the county having the same political affiliation as the person last elected to such office, shall be a resident of the district to which such appointment is made, and shall be eligible under section 202.1 of the Erie county charter. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county legislator shall be elected for the balance of the term, if any.

Amended by Local Law No. 1-1980.

Added by Local Law No. 14-1973.

Section 1905. Filling vacancy in elective office of county clerk, district attorney or sheriff. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county clerk, district attorney or sheriff shall be filled by appointment, by the county legislature, of a qualified elector of the county having the same political affiliation as the person last elected to such office. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment, by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county clerk, district attorney or sheriff, as the case may be, shall be elected for the balance of the term, if any.

## ERIE COUNTY CHARTER

Section 1906. Power to administer oaths and issue subpoenas. The chairman of the county legislature, the county executive, the county comptroller, and such other county officers as may be authorized by law shall have the power to subpoena and compel the attendance of witnesses and the production of books and papers, as the same may be pertinent to their respective offices. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations in connection therewith.

Section 1907. Charter revision commission. The county legislature shall create a charter revision commission in March, nineteen hundred eighty. The commission shall study the operation of the county to determine whether the charter and code continue to be an effective framework for the county government and shall submit a final report, including recommendations for appropriate action, to the legislature by June first of the year following its creation.

The commission shall be provided with adequate funding for staff and costs as deemed necessary by the legislature.

The commission shall have twenty-seven members: one member to be appointed by each district legislator, two members to represent the legislature, and five members to be appointed by the county executive.

The legislature shall act on recommendations, either approving or disapproving each recommendation separately, within three months of the date of submission.

NEW section 1907 Added by Local Law No. 1-1981.

Former section 1907 **REPEALED** by Local Law No. 1-1981.

Former section 1907 Added by Local Law No. 13-1974.

## ARTICLE XX APPLICATION OF CHARTER; WHEN AND HOW OPERATIVE AND EFFECTIVE

- Section 2001. Adoption of charter; when effective.
- 2002. Amendment of charter.
- 2003. Terms of certain elective county officers.
- 2004. Continuity of authority; completion of unfinished business.
- 2005. Separability.
- 2006. Charter to be liberally construed.

Section 2001. Adoption of charter; when effective. This charter shall be effective immediately upon approval by referendum in the manner provided by law. The administrative code may be adopted by local law at any time thereafter. The first county executive shall be elected at the general election in nineteen hundred sixty and shall take office on January first, nineteen hundred sixty-one. The county comptroller shall be first elected at the general election in nineteen hundred sixty-one and the person then elected shall, upon qualifying, take office on January first, nineteen hundred sixty-two. Pending such election and qualifying for office, the incumbent county comptroller shall have the powers and perform the duties prescribed in this charter for the elective office of county comptroller.

Section 2002. Amendment of charter. This charter may be amended in the manner provided by law. Any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective, or change the powers of an elective county officer, or change the term of office for county legislators shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this charter or the power of an appointive county officer in the executive branch may be passed before January first, nineteen hundred sixty-one.

Amended by Local Law No. 2-1978.

Section 2003. Terms of certain elective county officers. The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four years, and the election of any such officer shall be in an odd-numbered year. Provided that any such officer elected in nineteen hundred sixty or nineteen hundred sixty-two shall be elected for three years; and provided, further, that an interim election to fill the remainder of an unexpired term may be held in any year.

Section 2004. Continuity of authority; completion of unfinished business. The performance of functions pursuant to the provisions of this charter shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefor under this charter or the administrative code.

Section 2005. Separability. If any clause, sentence, paragraph, section or article of this charter shall be



## **ERIE COUNTY CHARTER**

adjudged by any court of competent jurisdiction to be invalid, such jurisdiction shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2006. Charter to be liberally construed. This charter shall be liberally construed to effectuate its objectives and purposes.

## **ARTICLE XXI**

### **SUNSET PROVISION**

Section 2007. All departments and units of the county of Erie listed herein, except those required by law other than the Erie county charter, shall cease three years from this law's filing with the secretary of state, and every three years thereafter, unless the county legislature, and county executive, by affirmative action, through budget adoption or otherwise, extend and continue said departments and units.

Added by Local Law No. 5-1981.

Charter generally amended by Local Law No. 1-1967

Effective March 28, 1967 to substitute words "county legislature" for "board of supervisors."